

**REPORT BY THE
AUDITOR GENERAL
OF CALIFORNIA**

**A FISCAL IMPACT ANALYSIS OF UNDOCUMENTED
IMMIGRANTS RESIDING IN SAN DIEGO COUNTY**



Kurt R. Sjoberg, Auditor General (acting)

State of California
Office of the Auditor General
660 J Street, Suite 300, Sacramento, CA 95814
Telephone : (916) 445-0255

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C-126

Honorable Robert J. Campbell, Chairman
Members, Joint Legislative Audit Committee
State Capitol, Room 2163
Sacramento, California 95814

Dear Mr. Chairman and Members:

The Office of the Auditor General presents a report, prepared under contract by Rea & Parker, Incorporated, which estimates the net economic impact on the State and on local governments in San Diego County of providing public services to undocumented immigrants. The consultants estimate the net annual state and local costs to be approximately \$146 million.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kurt R. Sjoberg".

KURT R. SJOBERG
Auditor General (acting)



REA & PARKER, INCORPORATED

Planning and Economic Consultants

4875 Casals Place, San Diego, California 92124

Phone (619) 279-5386

Louis M. Rea, Ph.D.

Richard A. Parker, Ph.D.

**A FISCAL IMPACT ANALYSIS OF
UNDOCUMENTED IMMIGRANTS
RESIDING IN
SAN DIEGO COUNTY**

Costs and Revenues of Significant State and Local Government Programs

C-126

August, 1992

Principal Investigators

Louis M. Rea, Ph.D., and Richard A. Parker, Ph.D.

**Professors in the School of Public Administration
and Urban Studies at San Diego State University**

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EXECUTIVE SUMMARY

Immigration has been a longstanding staple of political, sociological, religious, and economic life in the United States. Just as these various socio-economic forces drove a majority of immigrants to the United States from Europe in the late nineteenth and early twentieth centuries, they currently impel the newest wave of immigrants from Mexico, Central America, and Asia. Whereas New York was once the geographic center of United States immigration, the new center of immigration is California, and, in particular, the three southwest coastal counties in the State--Los Angeles, Orange, and San Diego.

It is the purpose of this report to estimate the net fiscal impact upon State and local governments in San Diego County of providing public services to one segment of the immigrant population--those immigrants known as "undocumented immigrants." In this report, undocumented immigrants are defined as foreign nationals residing in the United States without lawful permission or foreign nationals residing in the United States who have violated the conditions of their initial legal entrant status. The theoretical underpinning of this study is that immigration policy, and the enforcement of that policy, is the responsibility of the federal government in its role as international policymaker for the United States. To the extent, therefore, that costs and/or benefits are attributable to immigration policy, it becomes important to assess the incidence of such costs and benefits on State and local governments.

The benefits analyzed in this study are those State and local tax payments which derive from or are attributable to undocumented immigrants. There are also additional benefits ascribable to undocumented immigrants which are not readily quantifiable and are, as such, beyond the scope of this study. For example, a major benefit is embodied in the viewpoint that undocumented immigrants fill jobs that other local workers will not accept, stimulate the local economy by expanding the overall level of employment, and lower the cost of locally produced goods and services because of the reduced wages which they receive.

The costs analyzed in this study are in the areas of education, public health services, criminal justice, and social service delivery. This study focuses upon the significant, quantifiable State and local programs within each of these four service areas. As with benefits, there are certain costs which are exceedingly difficult to quantify and are, therefore, also considered to be beyond the scope of this study. Primary examples of non-quantifiable costs are that undocumented immigrants displace local workers and depress overall community wage levels and consequent economy activity. Recognizing the need for further study in connection with these non-quantifiable costs and benefits, this report has sought to establish a conservative, basic estimate of State and local government revenues and expenditures associated with undocumented immigrants residing in San Diego County.

An Estimate of the Number of Undocumented Immigrants in San Diego County

Various official and/or published estimates of the number of undocumented immigrants in San Diego County provide a range of 44,233-150,000 undocumented immigrants presently residing in the County. This study utilized apprehension data provided by the United States Immigration and Naturalization Service (INS) as well as established migration patterns from San Diego County to other California counties in conjunction with these published population ranges to yield an estimate of the undocumented immigrant population in San Diego County of 200,000 persons--approximately 9.0% of the total County population.

Demographic/Economic Profile of Undocumented Immigrants in San Diego County

Two sample surveys were administered in the course of this study. One was conducted with 162 migrant workers, of whom approximately 55.0% were estimated to be undocumented immigrants, and the second survey with another 60 persons specifically identified as undocumented immigrants. These surveys indicated that the median age of the undocumented immigrant population is 25.5 years and that their median number of school years completed is 5.1. Most come to the United States from Central Mexico, especially Mexico City, and a majority have been coming to this country for less

than 2 years. Undocumented immigrant workers are divided equally among construction work, agriculture, and private landscaping for employment purposes, traveling a median of 6.8 kilometers (4.25 miles) to work. Walking constitutes the method of travel to work of 44.0% of the undocumented immigrant workers.

Approximately one-half of the respondents are married, but only 4.4% have their spouse with them in the United States. Among the undocumented, 71.4% have children (mean number of children = 2.5), and 15.8% have their children with them in the United States. Most respondents (51.4%) indicated that they plan to continue coming to the United States indefinitely. Few have ever received welfare (2.5%), and only 27.2% have ever visited a United States doctor. Almost 30.0% indicated that they currently work with a false social security number, and one-half of these respondents have done so for more than 5 years.

On the average it was found that undocumented immigrants are absent from the United States 1.55 months per year, with a preponderance of absences occurring in December and January. Respondents indicated that they work an average of 4.3 days per week and that, over a two week period, they earn an average of \$262.00. Whereas 49.7% have taxes withheld from their pay, only 19.0% of the undocumented workers actually file income tax returns. Weekly, they spend \$51.19 on groceries and \$40.04 on other necessities. To the extent that there is money remaining after these expenditures, 88.9% of the respondents indicated that they send excess funds to their relatives living outside of the United States. Very few deposit money in local banks; most retain any savings in the form of cash.

An Estimate of State and Local Revenues Deriving from Undocumented Immigrants in San Diego County

The migrant/undocumented immigrant surveys provided information relevant to making a reasonable estimate of the State and local revenues generated through sales taxes, payroll taxes, income taxes and other taxes and fees paid by or on behalf of undocumented immigrants.

It was determined that, of the 200,000 undocumented immigrants residing in San Diego County, 176,810 are in the work force and that 87,875 have taxes withheld from their

pay. Applying the survey findings concerning income, purchasing patterns, and number of days actually worked, it was found that undocumented immigrants generate \$60,490,124 annually in the form of payroll taxes, sales taxes, income taxes, gasoline taxes, vehicle license/registration fees, lottery ticket revenue and excise taxes to State and local governments as follows:

Payroll tax revenue	\$18,913,026
Sales tax revenue	29,148,956
Income tax revenue	944,697
Excise taxes (alcohol and tobacco)	457,441
Lottery ticket purchases	966,807
Gasoline taxes	3,560,545
Vehicle license/registration fees	<u>6,498,652</u>
Total State and local tax revenue	<u>\$60,490,124</u>

The Cost of Processing Undocumented Immigrants Through the Criminal Justice System

The criminal justice system consists of law enforcement (e.g., police), the prosecutorial (e.g., District Attorney) and judicial functions (e.g., courts), and the correctional system (e.g., jails and prisons). There also exists a separate, but parallel, system for juvenile offenders. To the extent that undocumented immigrants commit crimes, they are processed through this criminal justice system and, thereby, incur State and local costs.

Undocumented immigrants generally tend to commit crimes in the same proportion as the overall population and represent approximately 12.5% of total felony arrestees in San Diego County. This report concludes that the felony arrest percentage for undocumented immigrants serves as the single most characteristic representation of law enforcement effort and, thus, applies this percentage for each jurisdiction to law enforcement operating budgets to determine San Diego County's annual law enforcement agency cost of \$45,016,596.

It is estimated that the predicted number of annual undocumented immigrant felony and misdemeanor cases entering the judicial system is 2,968, and 13,059,

respectively. Applying historical patterns (1987-1990) of the various judicial stages through which an undocumented immigrant defendant passes to the predicted number of felony and misdemeanor cases determines the degree to which undocumented immigrants encounter the judicial system. Unit costs for the various judicial stages were applied to the predicted felony and misdemeanor undocumented immigrant cases to yield total annual court costs of \$6,892,453.

In the courts, cases are prosecuted by the San Diego County District Attorney, and many undocumented immigrants are defended by public defenders. The District Attorney and public defender costs for each judicial event or crime were applied to the number of predicted felony and misdemeanor cases in order to establish a total cost associated with the prosecution and defense of undocumented immigrants equal to \$18,659,312 per year.

Upon conviction, costs are incurred for probation investigations by the San Diego County Probation Department. Historical patterns (1987-1990) of conviction rates among undocumented immigrants revealed that 71.8% of the predicted undocumented immigrant felony cases and 54.4% of all misdemeanors can be expected to be found guilty and sentenced. As such, this report predicts 2,131 felony convictions annually among undocumented immigrants and 7,104 misdemeanor convictions. The annual cost for the Probation Department to investigate these convictions is \$5,046,504. Historical patterns (1987-1990) of sentencing and actual jail or prison time served were applied to the predicted number of convicted undocumented immigrant felonies and misdemeanors to yield a total incarceration cost for adults of \$28,705,176.

The juvenile justice system operates separately from the adult system. In 1991, 405 undocumented juveniles were brought to Juvenile Hall, with 95% detained for prosecution and then returned to their country of origin if convicted. The total cost of prosecution and detention is \$1,434,080 annually.

In sum, total annual criminal justice system costs for undocumented immigrants are as follows:

Law Enforcement	\$45,016,596
Court Costs	6,892,453
Attorney Costs	18,659,312
Probation Investigations	5,046,504
Adult Incarceration Costs	28,705,176
Juvenile Justice	<u>1,434,080</u>
Total	<u>\$105,754,121</u>

The Cost of Providing Health Services for Undocumented Immigrants

This report addresses those health delivery programs which provide significant services to the undocumented immigrant population. These services include emergency and pregnancy related services under the Medi-Cal program through the State of California Department of Health Services, emergency transport by publicly funded paramedic services, and various San Diego County Department of Health Services programs. These programs include indigent care at the University of California, San Diego (UCSD) Medical Center and community clinics throughout the County, and the treatment of maternal health problems, preventive child care, and communicable diseases at County funded public health clinics. In addition, the State issues certain contracts directly to various non-governmental health care providers.

It is a well established public policy that the health of the general population be maintained. This becomes particularly important with regard to such issues as communicable diseases. Hence, it has been determined to be in the interest of the general health, safety, and welfare of the County's population that no one be discouraged from obtaining certain health services nor be denied receipt of such services when needing them. Because of the sensitivity associated with public health programs and the strong public interest in not discouraging anyone from availing themselves of these services, firsthand data concerning residence status were not always available for this segment of the study.

Adequate data were available for Medi-Cal and the County funded UCSD Medical Center indigent care program. With regard to Medi-Cal, undocumented immigrants are eligible for "restricted benefits" for emergency and pregnancy-related medical problems, and the annual cost of

such benefits in San Diego County is \$30,800,502, of which \$15,400,251 (50%) is the responsibility of the State of California, with an equal amount funded by the federal government. San Diego County represents 6.1% of total Statewide restricted benefit expenditures under Medi-Cal. Further indigent care, provided by the UCSD Medical Center, costs San Diego County \$1,847,776 annually for the treatment of undocumented immigrants, who represent 18.2% of the total service cost.

For those programs where adequate resident status data were not available, health service utilization rates were calculated for the undocumented immigrant population. Overall, it was determined that undocumented immigrants utilize 9.1% of all health services in the County. This overall rate consists of the utilization of 18.3% of public health and community clinic services and 2.4% of private health care services.

San Diego County public health service programs and State contracts (CBOs) executed directly with health providers are funded by the federal government, the State of California, and San Diego County. Applying the public health and community clinic services utilization rate for undocumented immigrants (18.3%) to State and County funds spent on programs concerning Sexually Transmitted Diseases, Tuberculosis Testing, Immunizations, Family Planning and Maternal Health and Preventive Child Care yields \$5,707,817 of annual expenditures applicable to undocumented immigrants.

There are several community clinics throughout the County which are privately run on a not-for-profit basis. San Diego County and the State of California help to fund these operations. Insofar as undocumented immigrants make use of these community clinics, the 18.3% utilization rate can be applied to the overall State and County funding to yield \$2,751,402 applicable to community clinic services rendered to undocumented immigrants.

Ambulance and emergency paramedic services to San Diego County are supplied by public and private providers. Among the public providers are a variety of fire departments and fire protection districts and a handful of communities which subsidize private paramedic and ambulance services. The use of ambulance and paramedic services by undocumented immigrants is subject to the overall utilization rate of 9.1%. When this rate is applied to the overall public cost of ambulance/paramedic services, an

estimated annual cost of \$912,674 is attributable to undocumented immigrants.

In sum, total annual State and local public costs of health service delivery to undocumented immigrants is as follows:

Medi-Cal Restricted Benefits	\$15,400,251
UCSD Medical Center Indigent Care	1,847,776
County Public Health Services and State CBOs	5,707,817
Community Clinics	2,751,402
Paramedic Services	<u>912,674</u>
Total	<u>\$26,619,920</u>

The Cost of Providing Public Education for Undocumented Immigrants

The benchmark judicial ruling which mandated that undocumented immigrant children must be given the opportunity to receive a public education is the 1982 United States Supreme Court case of Plyler v. Doe. Citing the Fourteenth Amendment to the United States Constitution, the Justices held that anyone within the boundaries of the United States--no matter how entry into the country was originally gained--was entitled to equal protection under the law and extended this legal concept to the provision of elementary and secondary educational services.

Hence, in accordance with this ruling, an estimated 10,913-12,995 (mean = 11,954) undocumented immigrant children are being educated in public elementary and secondary schools in San Diego County annually. These students represent 2.8%-3.3% (mean = 3.1%) of the total San Diego County student population and 17.3%-20.6% (mean = 19.0%) of all students categorized as Limited English Proficient (LEP). The annual average cost of providing basic education to these undocumented immigrant students is \$49,214,618.

Beyond expenditures for basic education, there are other expenses associated with the provision of public education in Kindergarten through Grade 12 (K-12). These expenses take the form of categorical grants from the State and federal governments to local school districts through

the San Diego County Office of Education. This report designates two classifications of categorical grants: General Education Grants and Limited English Proficiency Grants.

Among General Education Grants are such programs as special education, gifted and talented programs, and drug education. It has been determined that at least \$262,690,710 was provided by the State of California in General Education Grants to San Diego County school districts for fiscal year 1990-91. With undocumented immigrant students constituting 2.8% to 3.3% of the total K-12 student population, an average of \$8,012,067 can be allocated to the cost of providing these educational services to undocumented immigrants.

Limited English Proficiency Grants are made to local districts in order to fund special programs for those students identified as unable to adequately communicate in English. There are currently 63,088 such students in San Diego County. The 1974 United States Supreme Court ruling of Lau v. Nichols mandated that these students be provided with basic skills in the English language in order to effectively participate in the public education process. Not all Limited English Proficiency students are, however, in programs to correct their language deficiencies. In fact, 74.5% of LEP designated students are actually in such programs. The total amount of State funds which flow to San Diego County school districts in the form of Limited English Proficiency Grants is \$14,825,680, of which \$2,805,390 is attributable to undocumented immigrant students.

Higher education in San Diego County involves undocumented immigrant costs to the public only in the case of the California State University System. It is estimated that approximately 85 undocumented immigrant students are enrolled at San Diego State University each year and that one such student is enrolled currently at California State University-San Marcos. The total subsidy for these students per year is \$634,680.

In sum, the annual State and local cost of providing education to undocumented immigrant students in San Diego County is as follows:

Basic Education (Grades K-12)	\$49,214,618
Categorical Grants	
General Education	8,012,067
Limited English Proficiency	2,805,390
Higher Education	<u>634,680</u>
Total	<u>\$60,666,755</u>

The Cost of Providing Social Services for Undocumented Immigrants

Undocumented immigrants utilize publicly provided social services to a very limited extent. Unlike education and public health, where there are laws and/or other compelling public reasons for the provision of services to undocumented immigrants, social services have typically been reserved for legal residents. There are two programs, however, which provide the majority of social services to undocumented immigrants--Aid to Families with Dependent Children (AFDC) through the State of California and the Foster Care program of the San Diego County Children's Services Bureau.

AFDC constitutes the majority of the cost of undocumented immigrant social services, and it does so in a manner which introduces some ambiguity with regard to its inclusion in this report. It is thought that certain undocumented immigrants gain entry into the United States illegally for the express purpose of giving birth to a child on United States soil. Once born in the United States, the child becomes eligible for a variety of programs as a United States citizen, including AFDC. AFDC provides aid to financially needy families so that they can support their children. Technically, under AFDC, it is the United States citizen child who receives the aid, but the de facto recipients may be undocumented immigrant parents or family members in guardianship of the child. This issue is sufficiently unclear, yet of such concern and controversy, that it merits consideration within this study.

The State has developed a methodology for determining the number of cases in which the recipient family consists of a citizen child and undocumented immigrant adults. By applying this methodology at the County level, 3,963 such cases were determined by this study to exist within San Diego County--3,241 AFDC-Family Group program recipients

and 722 AFDC-Unemployed recipients. These cases represent 4.1% and 4.0% of the total Statewide cases, respectively. The total annual State and local cost of these AFDC cases is \$11,682,600.

Foster care is provided by San Diego County in foster homes to an average of 104 undocumented immigrant children per month. Occasionally, the Juvenile Court orders social service case workers for children who remain in their own homes. Approximately 298 undocumented immigrant children received such in-home services each month in 1991. The total annual estimated County and State cost of providing in-home social services and out-of-home placement for undocumented immigrant children is determined to be \$1,688,573.

The total annual State and local cost associated with the provision of social services to undocumented immigrants, therefore, is as follows:

Aid to Families with	
Dependent Children	\$11,682,600
Foster Care	<u>1,688,573</u>
Total	<u>\$13,371,173</u>

Summary

The following schedule indicates that the cost to State and local governments associated with processing undocumented immigrants through the criminal justice system and with providing health services, education, and social services for this population is \$206,411,969. The State and local government revenues associated with tax receipts derived from the employment and consumer spending of undocumented immigrants is \$60,490,124. The excess of costs over revenues is equal to \$145,921,845.

**Significant State and Local Annual Costs and Revenues
Associated with Undocumented Immigrants
in San Diego County**

Costs

Criminal Justice System	\$105,754,121
Health Services	26,619,920
Education	60,666,755
Social Services	<u>13,371,173</u>

Total Costs	\$206,411,969
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Revenues

State and Local Tax Receipts	<u><60,490,124></u>
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**NET STATE AND LOCAL GOVERNMENT
ANNUAL COST OF PROVIDING PUBLIC
SERVICES TO UNDOCUMENTED
IMMIGRANTS IN SAN DIEGO COUNTY**

\$145,921,845

It is important to lend a Statewide context to this net cost to San Diego County. According to the State of California Department of Finance, 4.9% of all undocumented immigrants who reside in California are located in San Diego County. This percentage is supported substantially by San Diego County's proportion of Medi-Cal restricted benefits attributable to undocumented immigrants--6.1%. It is also essentially consistent with San Diego County's proportion of AFDC-Citizen Child recipients--approximately 4.0%. Thus, it is reasonable to conclude that San Diego County contains approximately 5.0% of California's total undocumented immigrant population.

If it is assumed that other California counties incur the same types of costs and accrue the same types of tax revenues as indicated for San Diego County, then it can be extrapolated, under the conservative parameters of this report, that the net quantifiable State and local cost associated with undocumented immigrants throughout the State is estimated to be approximately \$3 billion.

CHAPTER 1

UNDOCUMENTED IMMIGRANTS IN SAN DIEGO COUNTY: AN INTRODUCTION

Background and Purpose of the Study

Immigration has been a longstanding staple of political, sociological, religious, and economic life in the United States. The roots of immigration are generally perceived to be an eastern seaboard phenomenon, with European immigrants arriving at Ellis Island, New York to begin their new lives in North America. Currently, a new wave of immigration is prominent, with a new geographic center--Southern California. Los Angeles now has a larger percentage of foreign born residents than New York City and nearly as large a foreign born population as New York City had at the peak of European immigration in the early 1900s.¹

Just as economic and political issues drove most immigrants to the United States from Europe, those very same issues impel the newest wave of immigrants into California as many of them seek to escape political and economic problems in Mexico, Central America, and Asia. The selection of California by these immigrants as the site of their new residence is attributable to their perception that jobs are available and that entry into the State is not difficult, particularly along the international border between Baja California (Mexico) and San Diego County, California (United States).

At the turn of the century, there were fewer restrictions on immigration, and European immigrants could, therefore, enter the United States relatively freely. Currently, many immigration restrictions are in place, but the desire to emigrate to the United States continues to be

¹Muller, Thomas and Espenshade, Thomas J., *The Fourth Wave: California's Newest Immigrants*. The Urban Institute Press, Washington, D. C., 1985, p. 1.

strong. Hence, a significant number of recent immigrants to California have entered the United States illegally. For purposes of this report, illegal entrants into the United States are referred to as "undocumented immigrants." This term will refer to all foreign nationals who are in the United States without lawful permission or who have violated the conditions of their initial legal entrant status (e.g., student visa, temporary border crossing permit).

The knowledge that individuals are entering the United States illegally has precipitated controversy on several grounds--economic, humanistic, and political. This controversy is especially pertinent in the heavily populated Southern California counties of Los Angeles, Orange, and San Diego. The economic debate is dominated by two viewpoints. There are those who feel that undocumented immigrants fill jobs that other local workers will not accept. Undocumented immigrants, it is felt, lower the cost of locally produced goods and services because of the reduced wages which they receive. This perspective views undocumented immigrants as filling a market niche that others, including documented immigrants, are unwilling to fill and that the local economy in fact depends upon and benefits from this low wage work force. This view also holds that undocumented immigrants earn and spend money in the United States, thereby generating economic activity and public tax revenues.

The alternative economic viewpoint holds that undocumented immigrants displace local workers, depress overall community wage levels, and do not stimulate the local economy because they send much of their earnings to their families in their countries of origin. The argument that lower overall prices of goods and services is necessarily a contribution to a healthy economy is a flawed one, according to these proponents. They contend that many underdeveloped and developing countries have both very low prices and depressed wages, and that such economies are not the best models for sustained economic growth and vitality in the United States. This alternative view also holds that the taxes paid by undocumented immigrants are small compared to the amount of public services which they consume.

According to the California State Senate Office of Research, "Much of the failure to adequately address the needs and impacts of . . . undocumented immigrants, in San Diego and elsewhere, is a consequence of this basic

political disagreement."² Therefore, it is the purpose of this study, as the formal successor to the report of the California State Senate Office of Research entitled *Review of Selected Issues Relating to Undocumented Persons in San Diego* (January, 1991), to estimate the net economic impact upon State and local governments in San Diego County of providing public services to undocumented immigrants residing in the County. This introductory chapter identifies the scope of the study, outlines the historical tradition of immigration policy, and estimates the number of undocumented immigrants currently residing in San Diego County.

Scope of the Study

Immigration policy and the enforcement of that policy is the responsibility of the federal government in its role as international policymaker for the United States. To the extent that costs and/or benefits are attributable to immigration policy, it becomes important to assess the incidence of such costs and benefits on State and local governments. Theoretically, federal policy should either include a procedure to spread such costs and benefits equally throughout the United States or include some compensatory arrangement with disproportionately impacted regions. Hence, this study focuses on State and local revenues and expenditures in San Diego County which are associated with undocumented immigrants in order to determine the net cost/revenue impact upon San Diego County in its role as a temporary or permanent residence for this population.

With regard to costs and benefits, this study undertakes to identify those costs and benefits which are readily quantifiable and are significant in magnitude. It is not the purpose of this study to critique federal immigration policy. Rather, the existence of federal immigration policy is held as a given, and, as such, the significant costs and benefits associated with accommodating that policy are addressed. It is also critical to note that this study addresses only undocumented immigrants, as defined previously in this

²Senate Office of Research, *Review of Selected Issues Relating to Undocumented Persons in San Diego*, January, 1991, p. 1.

chapter. This study does not attempt to quantify costs for recently legalized immigrants or any other group--only immigrants presently residing in the United States illegally.

The costs which are paramount under these parameters are education, public health services, criminal justice, and social services. Education is funded in large part by state governments. The United States Supreme Court, in the case of Plyler v. Doe, has ruled that all children have the basic right to a free public education, regardless of immigration status. Underlying this decision is a philosophical principle that society suffers when any segment of the population is undereducated. The undereducated segment is thought to be less capable of proportionate participation in the economy and at risk of becoming a permanent underclass.

Public health services are provided to undocumented immigrants under a variety of indigent care programs. It is the strongly held contention of public health officials that society benefits from the elimination of all illness and disease--especially those of a communicable nature--and that undocumented immigrants, therefore, should be encouraged to avail themselves of necessary health services.

Criminal justice related expenses are borne by State and local law enforcement agencies, courts, and correctional institutions in order to maintain the health, safety, and general welfare of the population at large. To the extent undocumented immigrants participate in criminal activity, society finds it advantageous to correct and penalize such individuals and has chosen to bear the costs associated with the requisite processes. Publicly funded social services also involve funds which serve undocumented immigrants. This study has identified the significant, quantifiable programs within each of these four service areas.

There are likely to be several programs which either are not sufficiently large enough to be included in this study, are obscured from detection in the complexities of public budgeting procedures and bureaucracy, or have been determined to be outside of these four service areas. In addition, within these service areas are certain costs which are exceedingly difficult, if not impossible, to quantify and are, therefore, considered to be beyond the scope of this study. These costs include the following:

- The nature of the economies of the United States and California is changing. The middle income job market is declining in size, rendering increased competition for lower income jobs. Therefore, competition for available jobs results in the displacement of legal residents of the United States by undocumented immigrants, who are willing to accept lower wages. These displaced workers increase social service demands upon local and State governments in the form of expenditures such as welfare, food stamps, and unemployment compensation.
- The willingness of undocumented immigrants to work for lower wages and in poorer working conditions than legal residents tends to depress overall wage levels, thereby creating a large number of underemployed, low paid workers throughout the economy as a whole and generating a lower level of economic activity and consequent public tax revenues than would otherwise be the case.
- There is a concern among environmental groups, in particular, that the unbridled influx of any large group (including undocumented immigrants) contributes to rapid population growth and the consequent deterioration of quality of life.

The benefits which are included in this study as both significant and readily quantifiable are those tax payments which derive from or are attributable to undocumented immigrants. As with costs, there are a variety of benefits which are not easily quantifiable and are beyond the scope of this study. It is important to identify some of the most salient of these benefits and to recognize that certain of them conflict with the non-quantifiable costs, discussed previously. This conflict between the non-quantifiable costs and benefits constitutes much of the controversy which exists concerning undocumented immigrants, and it further fuels the ongoing debate regarding the value of the presence of undocumented immigrants in the local economy. Some of these non-quantifiable benefits are as follows:

- Undocumented immigrants accept jobs which other individuals have generally been unwilling to

perform. That is to say, undocumented immigrants perform certain labor functions which otherwise would be left undone and thereby increase the total level of employment. Correspondingly, consumer demand expands as employment levels rise. This fosters an overall increase in economic activity.

- The lower wages and lesser working conditions which undocumented immigrants are willing to accept allows production of goods and services in California to occur at lower costs than otherwise would be the case. This lower cost makes California's products--agriculture in most of the State, including San Diego County, and manufacturing in Los Angeles County--more competitive, thereby increasing sales for California based enterprises.
- Migration to the United States is a natural, free market economic response to the availability of jobs in the United States and the lack of jobs in the immigrants' countries of origin. This migration, therefore, represents a "safety valve" which partially defuses potential international political/economic unrest.
- The United States has long prided itself as a melting pot, receiving large migrations of people from different cultures around the world. Certain corporate and political leaders view such diversity and pluralism as an important element in the ability of the United States to compete economically on a worldwide basis.

An Historical Perspective on Immigration

This study refers at various times to a number of immigration policies and laws. These policies and laws are steeped in an historical tradition which provides a foundation and context for understanding the current immigration related issues which underlie this report.

Over the past two centuries United States immigration policy has generally been relatively non-restrictive. The early leaders of the United States welcomed additional sources of labor into this nation while it was rapidly

growing and industrializing. The only persons restricted from entry were those who were determined individually to be politically or morally undesirable (e.g., anarchists, criminals, mentally disordered). Immigration remained open to virtually all national groups until 1921 when legislation was passed imposing quotas based on the existing ethnic and national distribution of the United States population.

Mexican immigrants were explicitly excluded from this quota system. They could enter the United States legally by passing a literacy test and paying an \$8 tax. However, many were unable to pass the test or pay the tax, so that, by 1930, 200,000 Mexicans were estimated to be present in the United States illegally.³ The agricultural businesses of the Southwest were most vocal in their support of Mexican immigration in order to continue their access to inexpensive labor. Prior to the 1920s, growers in California relied heavily upon immigrants from Japan and China. During the 1920s, farmers started looking more toward Mexicans and Filipinos to supplement their labor force; however, as The Depression of the 1930s took hold, illegal Mexican immigrants began to be deported because they represented surplus labor. The resultant decline in the availability of this source of inexpensive labor grew to be a substantial hardship for the agricultural industry.

In response to this hardship, in 1942, the United States and Mexican governments negotiated the Bracero Program in which Mexico agreed to supply unskilled laborers on a temporary basis for seasonal agricultural employment. Laborers were to be provided transportation to and from their hometowns in Mexico, guaranteed work, a subsistence allowance for non-working days, housing, and medical insurance and care equal to those received by United States workers.

In 1952, the Immigration and Nationality Act instituted the "card" system which exists today. Green cards were issued by immigration authorities when an employer requested the permanent entry of a foreign national in order to work. These "permanent" immigrants were permitted, thereafter, to bring their families to the United States. White cards (currently referred to as "Border Crossing Cards") were issued to foreign visitors who were allowed to stay in the United States for 72 hours

³Muller and Espenshade, op. cit., p.30.

and not allowed to travel farther than 125 miles from the border. Work was not permitted to be performed by Border Crossing Card recipients.

By 1954, it is estimated that, besides the braceros, over one million Mexican undocumented immigrants had crossed the border to work on United States farms.⁴ The availability of this inexpensive labor significantly reduced the demand for braceros, and, in response to this, the United States began apprehending undocumented immigrant Mexicans once again.

During the early 1960s, the United States Department of Labor began to attempt to close the gap between the wage rates and working conditions of domestic versus bracero workers. The demand for braceros fell once again as wages increased, and in 1964, the program was terminated entirely. In 1965, Congress passed a new immigration act which abandoned national origin as a basis for immigration, substituting family reunification, special employment skills, and domestic investment as relevant admission criteria. Family members of United States residents were allocated the majority of annual admissions. Throughout the late 1960s, the 1970s, and the early 1980s, foreign immigration accelerated. In response to this immigration flow, Congress sought to resolve immigration issues, including the residency and employment status of undocumented immigrants through the passage of the Refugee Act of 1980 and the Immigration Reform and Control Act of 1986.

The Refugee Act of 1980 revised admission procedures for refugees to be more consistent with the historical policy of the United States which emphasized humanitarian assistance for the care and maintenance of persons persecuted in their homeland on account of race, religion, nationality, membership in a particular social group, or political opinion.

The Immigration Reform and Control Act of 1986 (IRCA) is a very comprehensive law which included sanctions against employers who hired undocumented immigrants. It also included provisions for additional immigration of lower cost agricultural workers in the event of future labor shortages. With regard to this study, however, it is IRCA's legalization provisions which are most important.

⁴Senate Office of Research, op. cit., p. 6.

IRCA declared the following individuals, among others, to be eligible for legalization:

- Undocumented immigrants who entered the United States prior to January 1, 1982 and have resided continuously in the country since. Minimal English and civics requirements were to be met and such individuals were not to be eligible for AFDC, food stamps, and most Medicaid (Medi-Cal) benefits for five years.
- Seasonal agricultural workers (SAWs) who had performed at least 90 days of seasonal agricultural work between May 1, 1985 and May 1, 1986. SAWs are eligible for certain AFDC and social security benefits and also for food stamps, but they have limited access to Medicaid.

IRCA also contained a provision known as the State Legalization Impact Assistance Grant (SLIAG) by which Congress authorized the appropriation of \$4 billion to state and local governments. SLIAG was to be a five year program designed to offset state and local expenditures associated with the accommodation of those immigrants legalized under IRCA. California expected to receive approximately \$1.8 billion under SLIAG, but the United States government has been rescinding portions of these payments since fiscal year 1989-1990.

Most recently, the Immigration Act of 1990 provided for the immigration of 700,000 people for fiscal years 1992 through 1994, and, thereafter, 650,000 people annually. In the first three years, approximately two-thirds of the visas are to be reserved for family members, 20% for skilled workers, and the balance for "transition" categories of immigrants from countries adversely affected by this new law and for families of newly legalized residents under IRCA.

An Estimate of the Number of Undocumented Immigrants in San Diego County

It is not surprising, given the large number and considerable complexities of the various immigration laws, that the actual number of undocumented immigrants residing in San Diego County at any one time has never been

successfully determined. Many members of this population specifically attempt to remain anonymous in order to avoid apprehension by immigration authorities. As such, census data and other survey instruments have led to estimates generally acknowledged to be low. The largest proportions of undocumented immigrants are found in Los Angeles County and Orange County. Los Angeles County itself represents approximately 50% of the undocumented immigrant population in the State of California.⁵ The undocumented immigrant population in San Diego County is the third largest such concentration in the State. The State's other significant undocumented immigrant populations, ranking behind San Diego County, are found in Santa Clara County, Fresno County, Riverside County, and San Bernardino County in that order of magnitude.

Among the various estimates of the number of undocumented immigrants, the California State Department of Finance has formulated an estimate of the undocumented immigrant population based on the 1980 United States Census. According to the Department of Finance, the 1980 Census showed 1,000,000 undocumented immigrants in California, representing one-half of the total number of undocumented immigrants in the entire United States.⁶ The estimate of 1,000,000 undocumented was derived by deducting from the State's total identified population all citizens and registered legal aliens. Out of the 1,000,000 deduced to be undocumented, 4.9%--or 49,000--were found to be living in San Diego County. The 1980 Census further contained a question which asked the respondent when he/she came to the United States. From this question, it was determined that 100,000 new undocumented immigrants had arrived during the 5 year period of 1975-1980. Assuming the same rate of entry between 1980 and 1990, the Department of Finance estimated 1,200,000 undocumented immigrants in the State by 1990, with 58,800 (4.9%) in San Diego County -- an estimate which the Department itself labels as low.⁷

⁵Data derived from Medi-Cal eligibility data for the year 1991.

⁶Heer, David M., *Undocumented Mexicans in the United States*, Cambridge University Press, Cambridge, MA, 1990, pp. 32-33.

⁷Elizabeth Hoag, Research Analyst, California State Department of Finance.

There are a number of other problems with this estimate besides the tendency for census data to underestimate the undocumented population. First, the 1,000,000 undocumented in 1980 were, in large part, eligible for amnesty through IRCA by 1986. The United States Immigration and Naturalization Service (INS) has estimated that approximately 72% of the identified undocumented residents in San Diego County achieved some degree of documented status under IRCA.⁸ This would cause the State's estimate to be somewhat high; however, the assumption of a steady rate of entry into the United States has been disputed by many other reputable authorities who contend that illegal immigration rates have accelerated substantially since the 1975-1980 period.

Data provided by the INS demonstrate a different rate of entry into the United States by undocumented immigrants. During the 12 month period ended September 30, 1991, the INS apprehended 540,300 undocumented immigrants in San Diego County.⁹ It has been further estimated by the San Diego Border Patrol that between 1 in 3 and 1 in 5 undocumented immigrants are actually apprehended.¹⁰ This implies that from 1,080,600 to 2,161,200 undocumented immigrants succeeded in entering San Diego County during the year. This represents a nearly 50% increase over the prior two years and the highest total since 1986 (the year before IRCA went into effect), when apprehensions totalled 629,656.

A reasonable estimate of the number of undocumented immigrants currently coming into San Diego County includes an estimate of the annual flow of illegal immigration, reduced by the "leakage" to other counties, especially Los Angeles and Orange, and further reduced by the percentage of return entries by the same person. This annual estimate, multiplied for the 5 years since IRCA and added

⁸Rudy Murillo, Public Relations Division, United States Immigration and Naturalization Service.

⁹Statistic of the San Diego Border Patrol reported in the *San Diego Union*, October 7, 1991.

¹⁰The 1 in 3 estimate was provided by Gustavo de la Vina, Chief of the San Diego Border Patrol, in the *San Diego Union*, October 7, 1991. The 1 in 5 estimate was provided by Steve Kean, Public Relations, San Diego Border Patrol on March 30, 1992.

to a base figure of post-IRCA undocumented immigrants continuing to reside in the County, yields an estimate of the current number of undocumented immigrants residing in San Diego County.

The approximate average number of apprehensions per year for the period 1987 - 1991 was 462,469, implying illegal entries of 924,938 to 1,849,876 per year into San Diego County, applying the 1 in 3 and 1 in 5 apprehension ratios.¹¹ A 45 day study by the Border Patrol (June 20, 1989 - August 3, 1989) identified 21% of their apprehensions as repeat immigrants, leaving 79% as first time immigrants.¹² With regard to those undocumented immigrants coming into the United States from Mexico, Jorge Bustamante of El Colegio de la Frontera Norte in Tijuana conducted an 18 month study during the period December, 1987 to July, 1989 in which he found that approximately 70% of the Zapata Canyon illegal immigrants were "first-timers."¹³ Applying Bustamante's more conservative 70% estimate (in contrast to the INS estimate of 79%) to the estimated annual illegal immigration of 924,938 - 1,849,876 yields 647,457 to 1,294,913 first time immigrants illegally entering San Diego County during an average year since IRCA.¹⁴

There is a great motivation for undocumented immigrants to move northward through San Diego County into Orange and Los Angeles Counties in order to obtain more desirable jobs. As such, the 4.9% retention factor established by the California State Department of Finance

¹¹Steve Kean, San Diego Border Patrol.

¹²*Ibid.*

¹³Jorge A. Bustamante, "Measuring the Flow of Undocumented Immigrants," in Wayne A. Cornelius and Jorge A. Bustamante (eds.), *Mexican Migration to the United States*, Center for U.S.-Mexican Studies, University of California, San Diego, 1989, p. 102.

¹⁴Inasmuch as the Tijuana area represents 50% of the illegal immigration into the United States (Cornelius and Bustamante, p. 99) and insofar as 50% of the total United States undocumented population is estimated to reside in California, it will be assumed that almost all illegal entries through Tijuana into San Diego County remain in the State of California.

for San Diego County can be applied to the estimated flow of first time illegal immigrants. Thus, approximately 31,725 to 63,451 undocumented immigrants can be assumed to remain in San Diego County each year; hence, in the five years since IRCA, between 158,625 and 317,255 undocumented immigrants are likely to have established residence in San Diego County.

In 1986, the County of San Diego estimated a pre-IRCA undocumented population estimate of 100,000 persons.¹⁵ With 72% having been granted documented status, according to the INS, a post-IRCA base figure of 28,000 can be added to the 5 year illegal immigration estimate above for a total of 186,625 - 345,255.

The 45 day Border Patrol Study discussed earlier tends to yield similar estimates. During the period June 20, 1989 to August 3, 1989, 53,000 undocumented immigrants were apprehended--79% of whom were first time immigrants. These approximately 42,000 new immigrants would annualize to a total of 336,000 first time entrants to be apprehended. Applying the 1 in 3 and 1 in 5 apprehension rates yields 672,000 - 1,344,000 successful illegal immigrants annually. With 4.9% remaining in San Diego County (32,928 - 65,856), the five year influx totals 164,640 - 329,280. Adding this range of estimates to the 28,000 post-IRCA base generates 192,640 - 357,280 undocumented immigrants residing in San Diego County.

David Simcox, executive director of the Center for Immigration Studies in Washington, D.C., has estimated that between 4.2 million and 4.5 million immigrants are residing illegally in the United States.¹⁶ If the assumption that 50% of all illegal immigrants reside in California is applied, along with San Diego County's assumed retention rate of 4.9%, then 102,900 - 110,250 undocumented immigrants would be presumed to reside in the County. Daniel James in his book, *Illegal Immigration: An Unfolding Crisis* (1991), reported a national population of undocumented immigrants as of January 1, 1990 to be

¹⁵Rudy Murillo, Public Relations Division, Immigration and Naturalization Service.

¹⁶David Simcox was quoted by Robert J. Caldwell in the *San Diego Union*, September 29, 1991, p. c-7.

1,805,000 to 4,755,000.¹⁷ James' estimate would translate into a San Diego County total of 44,233 - 116,498. Bill Dominguez of the San Diego County Office of Transborder Affairs estimates that there are approximately 75,000 - 150,000 undocumented immigrants residing in San Diego County.¹⁸

The analysis of the data provided by the INS/Border Patrol is very current and specific to the County of San Diego. As such, its findings, although higher than commonly held, merit considerable attention and credence. However, these findings must be considered in conjunction with the other research cited, which contains somewhat lower estimates. Hence, it is concluded that a fair estimate of the undocumented immigrant population in San Diego County occurs at the lower end of the ranges established in the INS/Border Patrol analyses. Thus, the figure that will be used in this report as an estimate of the undocumented immigrant population for the County is 200,000 persons.

Organization of the Study

The balance of this report estimates the quantifiable State and local public revenues accruing from undocumented immigrants as well as the State and local public costs associated with the provision of services to this population.

Chapter 2 presents an analysis of two surveys involving undocumented immigrants. These surveys are used to portray a demographic/economic profile of this population and of certain documented immigrants. The surveys are also used as a basis for estimating the public tax revenues derived from undocumented immigrant workers in San Diego County.

Chapter 3 outlines the criminal justice system and estimates the annual public cost of processing undocumented immigrants through that system in San Diego County.

¹⁷Daniel James, *Illegal Immigration: An Unfolding Crisis*, University Press of America, Lanham, Maryland, 1991, p. 107.

¹⁸Interview - March 30, 1992.

Chapter 4 explains the delivery of health services to undocumented immigrants and estimates the cost of such services to that population in the County. Chapter 5 identifies the estimated cost of San Diego County public education for undocumented immigrant students. Finally, Chapter 6 examines social service costs as they apply to San Diego County's undocumented immigrant population.

CHAPTER 2

UNDOCUMENTED IMMIGRANTS: DEMOGRAPHIC PROFILE AND ESTIMATE OF PUBLIC REVENUES

Undocumented immigrants generate tax revenues to local and State governments through their employment and purchases. Revenues from this employment are derived from income and payroll taxes, and their purchases generate sales tax revenue. They also contribute to other State and local tax revenues in the form of excise taxes on tobacco and alcohol, lottery ticket purchases, vehicle license/registration fees, and gasoline taxes.¹ The primary purpose of this chapter is to estimate these revenues in San Diego County.

The California Senate Select Committee on Border Issues approved a demographic survey to be conducted in migrant labor camps in San Diego County. Migrant labor camps are relatively primitive living arrangements which are generally temporary in nature. Common perception holds that these camps comprise agricultural workers, many of whom are undocumented immigrants. The survey was to have been administered separately from this study with a short summary of the survey findings incorporated into this report for information purposes.

The survey was intended to obtain demographic and employment information about the residents of migrant camps in the County. Information would be solicited regarding age, family structure, birthplace, employment skills, and commuting and migration patterns. It was concluded that by more closely coordinating the Senate Committee's survey

¹To the extent undocumented immigrants own real property or businesses, the property taxes and license fees derived from these assets have not been included. Their lack of inclusion derives from the enormously difficult task of identifying the resident status of all San Diego County business and property owners and the extreme unlikelihood that any significant ownership among undocumented immigrants will be found.

with this report it could facilitate the determination of State and local revenues generated by undocumented immigrants. An agreement was reached with the Committee and its contractor, the San Diego State University Foundation, to amend the survey to include a series of questions specifically geared to issues concerning legal residence and migration, spending patterns, income, and taxes paid by residents of migrant camps.

Methodology

The draft questionnaire was translated into Spanish by a bi-lingual interviewer with extensive migrant camp survey experience who was hired to administer the questionnaires. Arrangements were made for an outreach worker, employed by the California Employment Development Department (EDD), to accompany the interviewer. Since such workers have visited many of these encampments during the regular course of their work, it was determined that the interviewer would gain easier access to certain camps when accompanied by the EDD worker rather than on her own.

The draft questionnaire was reviewed by staff of the Employment Development Department and certain refinements were made. The refined questionnaire was pretested in an encampment in Del Mar where 30 migrants were interviewed. Based upon the results of the pretest, the draft questionnaire was further refined and readied for the implementation of the actual survey. A copy of the final questionnaire is presented in the Appendix to this chapter on pages 39-41.

The interviewer visited ten different migrant camps geographically spread throughout the northern and northeastern portions of San Diego County. Interviews were conducted with all working age adults in the camps who were willing to cooperate. These interviews took place on weekday evenings or weekend days, when it was reasonably assumed that the migrant workers would be available in camp. The interviews took place during November-December, 1991 and February-March, 1992. A total of 162 valid interviews was obtained.

During the course of the interviews, it was found, as expected, that many of the migrant workers were documented residents of the United States. Therefore, in order to determine whether there was a difference between migrant workers generally and the overall population of

undocumented immigrants, a second survey was conducted and administered specifically to undocumented immigrants on street corners in Northern San Diego County and in the United States Immigration and Naturalization Service (INS) holding areas near the international border at San Ysidro. A total of 60 such interviews was completed in this second survey and the results were compared to those of the primary survey.

Survey Findings

The results of the migrant camp survey of 162 persons (158 males and 4 females) are summarized below and constitute a demographic/socioeconomic profile of these residents. Any differences between the migrant camp residents and the targeted undocumented immigrant interviewees are noted at the end of this summary.

Migrant Camp Demographic Profile: Tables 2.1 through 2.9 indicate that the median age of migrant workers is 25.5 years (Table 2.1) and that their median number of school years completed is 5.1 (Table 2.2). Nearly three-quarters of this population has completed less than seven years of schooling. Table 2.3 indicates that a plurality of migrants come from Central Mexico, especially Mexico City. The next most frequently cited place of origin is Southeast Mexico, in particular Oaxaca. Interestingly, very few (9.9%) seem to come from the area closest to the border--Northwest Mexico. The migrants have been working in the United States for a median of 4.5 years--26.5% of them have been coming for 10 years or more and 29.0% for 2 years or less (Table 2.4). A vast majority of the migrants work in landscaping private yards (33.8%) and in agricultural enterprises (31.3%), according to Table 2.5. Most (56.2%) worked in the agricultural industry in their home country (Table 2.6). Over 50% of those actively looking for work find such work on street corners and at shopping centers (Table 2.7). In excess of 50% also indicate that the distance from their camp residence to their place of work is between 1 and 4 kilometers (Table 2.8). Walking constitutes the method of travel to work of 44.0% of the migrant respondents (Table 2.9).

Table 2.1
Age of Migrant Respondent

Age	#	%
14-17	11	6.8
18-20	35	21.6
21-25	35	21.6
26-30	24	14.8
31-35	24	14.8
36-40	12	7.4
Over 40	21	13.0
Total	162	100.0

median age = 25.5 years

Table 2.2
Years of School Completed by Migrant Workers

Years	#	%
0	22	13.6
1 - 3	36	22.2
4 - 6	63	38.9
7 - 9	24	14.8
10 - 12	13	8.0
Over 12	4	2.5
Total	162	100.0

median = 5.1 years of school

Table 2.3
Place of Origin of Migrants

Place of Origin	#	%
Central Mexico	69	42.6
Southeast Mexico	59	36.4
Guatemala	18	11.1
Northwest Mexico	16	9.9
Total	162	100.0

Table 2.4
Length of Time Migrants Have Been Coming to Work
in the United States

Length of Time	#	%
Less than 1 year	30	18.5
1 year and less than 2 years	17	10.5
2 and less than 4 years	32	19.8
4 and less than 6 years	10	6.2
6 and less than 8 years	22	13.6
8 and less than 10 years	8	4.9
10 and less than 15 years	27	16.7
15 or more years	16	9.8
Total	162	100.0

median = 4.5 years

Table 2.5

Type of Work Performed by Migrant Workers
When They Are in the United States

Type of Work	#	%
Construction	33	16.9
Agriculture	61	31.3
Landscaping (private yards)	66	33.8
Nursery	27	13.9
Restaurant	3	1.5
Other	5	2.6
Total	195 ^(a)	100.0

^(a)Some respondents indicated more than one type of work.

Table 2.6

Type of Work Generally Performed by Migrant Workers
in Home Country

Type of Work	#	%
Construction	17	10.5
Agriculture	91	56.2
Student	10	6.2
Other	44	27.1
Total	162 ^(a)	100.0

^(a)Some respondents mentioned more than one type of work, and some did not respond at all.

Table 2.7

Location Where Migrant Workers Go to Find Work

Location	#	%
House to house	17	14.5
Street corner	44	37.6
Shopping centers	20	17.1
Ask friends/word of mouth	6	5.1
Ask growers	22	18.8
Other	8	6.9
Total	117 ^(a)	100.0

^(a)Some respondents indicated more than one choice.

NOTE: 46 respondents indicated they had steady jobs and did not actually go anywhere to find work.

Table 2.8

Distance Between Migrant Worker Camp
and Place of Work

Location	#	%
Under 1 kilometer	12	10.6
1 and under 4 kilometers	58	51.4
4 and under 8 kilometers	13	11.5
8 and under 15 kilometers	11	9.7
15 kilometers or more	19	16.8
Total	113	100.0

Table 2.9

Mode of Travel Used by Migrants to Get to Work

Mode of Travel	#	%
Walk	73	44.0
Bicycle	27	16.3
Boss picks up	34	20.5
Hitch-hike	16	9.6
Go with friends	12	7.2
Others	4	2.4
Total	166 ^(a)	100.0

^(a)Some respondents provided more than one response.

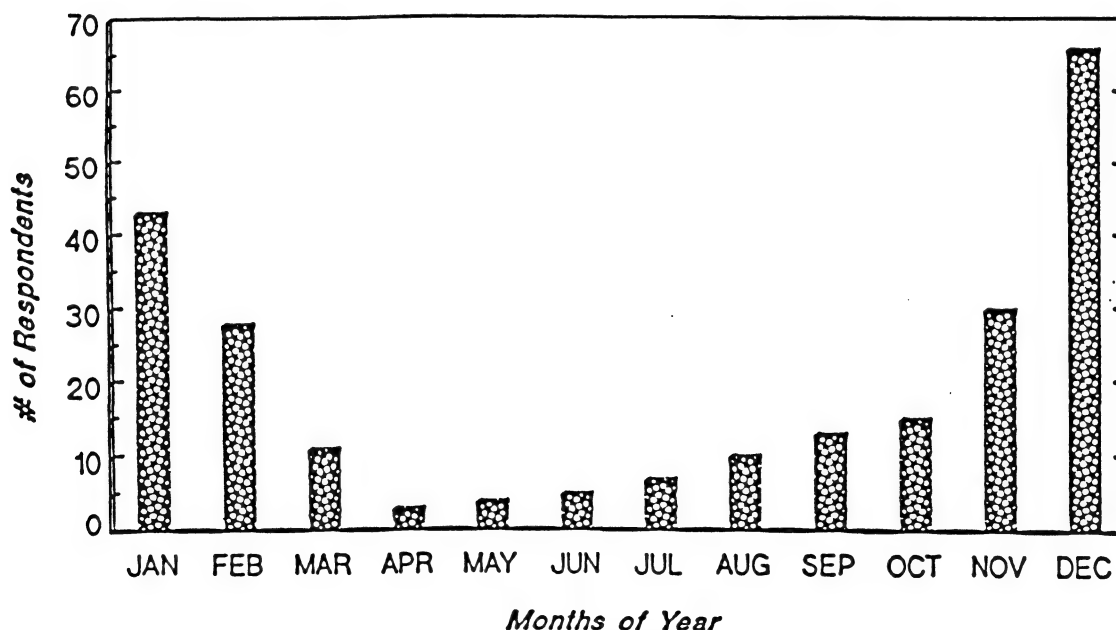
Among the respondents, 47.5% are married, but only 4.4% have their spouse with them in the United States. Among those who have children (41.4%), only 8.0% actually have been accompanied by them. The mean number of children per respondent with children is 3.3. When asked if the respondent planned to bring any of his or her family to the United States, 60.0% replied in the negative. Most respondents (51.4%) indicated that they plan to continue coming to the United States for an indefinite period of time. With regard to welfare, only 4 respondents (2.5%) indicated that they had ever received welfare. When asked if they had ever gone to a doctor in the United States, 72.8% of the respondents indicated that they had not--most either go to pharmacies or doctors in Tijuana (38.0%) or pharmacies in the United States (32.4%). Of those who had visited a doctor, approximately one-half did so on account of sickness rather than injury or some other cause and 35.7% paid for these medical services with their own funds.

Migrant Camp Economic-Employment Profile: Survey respondents indicated that they work an average of 4.3 days per week and that over a two-week period they earn an average of \$262.00. They spend \$51.19 per week on groceries and \$40.04 per week on "other things they need besides groceries." To the extent that there is money

remaining after these expenditures, 88.9% of the respondents indicated that they send excess funds to their families living outside of the United States. A few deposit money in local banks and others keep it with them in the form of cash. Approximately one-half (49.7%) of the respondents indicated that taxes are generally withheld from their pay, but only 31.0% filed income tax returns. Of those who filed, 87.2% said that they received a refund. Among all respondents, 15.2% indicated that they have had some problem collecting monies due from their employer. When asked whether or not they currently worked with a false social security number, 29.5% of the responses were in the affirmative--with one-half of them having done so for more than 5 years.

There were 152 valid responses to the question which asked, "During which months of the year do you regularly leave here (the United States)?", out of which 68 responded that they never leave. The remaining 84 respondents are portrayed in Figure 2.1, which shows that, among those who leave, most leave during the months of November - February, with a preponderance in December.

Figure 2.1
Months of Year Migrant Workers Leave United States



On the average, among the 152 valid responses, there is an absence from the United States of 1.55 months per year--a finding consistent with the work of Jorge Bustamante, both in terms of amount of time away and the precise months involved (see Chapter 1).²

After various discussions with staff of the Employment Development Department, it was clear that an honest answer from the potential survey respondents to a direct question concerning documented status was not likely to be forthcoming. However, in order to obtain this information, which was most probably known by the respondents, it was decided to ask a more indirect question which stated, "For every 10 persons living in this camp, how many do not have papers?" The migrant workers' own average estimate of the percentage of people who were undocumented in their camps was 55.3%.³ This finding was not unexpected and, as such, rendered the second survey, specifically of undocumented immigrants, all the more valuable.

Undocumented Immigrant Survey: The undocumented immigrants were sampled using what is known statistically as a convenience sample. That is to say, the results are not usable for statistical purposes and are, instead, usable to provide information to supplement the migrant survey. When differences between the migrant survey and the undocumented immigrant survey are relatively minor, the migrant survey can be used as a valid representation of the undocumented population. On the other hand, when differences between the surveys are substantial, the undocumented immigrant survey can be used to modify discrepancies in the information. In general, the

²Jorge A. Bustamante, "Measuring the Flow of Undocumented Immigrants" in Wayne A. Cornelius and Jorge A. Bustamante (eds.), *Mexican Migration to the United States*, Center for U.S.-Mexican Studies, University of California, San Diego, 1989, p. 102.

³Claudia Smith, Regional Counsel, California Rural Legal Assistance, has indicated that her "staff's impression from day in, day out contact with farmworkers and day-laborers [is] that at least 90% of farmworkers in this area (North San Diego County) are documented and at least 50% of the day laborers . . ." (letter to Rea & Parker, Incorporated, October 15, 1991).

demographics and economics of the undocumented survey respondents corresponded to the migrant survey within acceptable margins of error given the relative sample sizes and the unusually difficult conditions of identifying sample respondents for interview.

There are a few differences, however, which are worth noting. Among the undocumented, 71.4% have children, compared to 41.4% among the migrant workers, and 15.8% of the undocumented have their children with them, as opposed to only 8.0% of the migrants. The mean number of children among the undocumented is 2.5, which is somewhat less than the mean number among the migrants of 3.3. In terms of place of origin, 58.3% of the undocumented immigrants are from Central Mexico and 26.7% from Southeast Mexico (versus 42.6% and 36.4%, respectively, for the migrant population). Undocumented immigrants, as would be expected, have come to the United States for a much shorter period of time than the overall migrant population. For example, 53.3% of the undocumented immigrants have been coming for less than 2 years, while only 29.0% of the migrants have done so. Only 5.0% have been in the United States for more than 10 years, however, compared to 26.5% of the migrants. Construction employment looms larger among the undocumented immigrants than with the migrant population, equaling landscaping and agriculture at 23.5%. Furthermore, undocumented immigrants travel farther to work--a median of 6.8 kilometers versus 3.3 kilometers for the migrants.

With regard to expenditure and income profiles, there seem to be no notable distinctions between the undocumented immigrants and the migrant workers, with the understandable exception that undocumented immigrants report their income taxes less frequently (19.0% versus 31.0%).

Estimates of State and Local Revenues Deriving from Undocumented Immigrants

The migrant and undocumented immigrant surveys provide information relevant to making a reasonable estimate of the State and local revenues generated through sales taxes, payroll taxes, and income taxes paid by or on behalf of undocumented immigrant employees. Lottery ticket purchases, excise taxes on alcohol and tobacco, gasoline taxes, and vehicle license/registration fees are also considered.

Payroll Taxes. Payroll taxes consist of three different taxes--unemployment insurance contributions paid by employers, employment training tax paid by employers, and disability insurance paid by employees. The rates for unemployment insurance contributions vary by employer based upon their experience in terms of claims filed by terminated employees. The rates currently range between 0.9% and 5.0% up to \$7,000 of annual earnings per employee, with an overall mean rate in the State of 2.63%.⁴ The estimate of total payroll taxes paid as a result of employing undocumented immigrants is determined as follows:

- The total work force among the 200,000 undocumented immigrants (see Chapter 1) can be estimated by deducting from this total the number of school-age children (see Chapter 5) and the number of preschool-age children, as indicated below. Chapter 5 estimates that there are 11,954 undocumented immigrant children in San Diego County schools (mean of low and high estimates). The 1990 United States Census indicates that for every child of school age (5-17), there are .47 pre-school age (0-4) children in San Diego County. Assuming that this same ratio holds for undocumented immigrant families, it is estimated that there are approximately 5,618 pre-school age children of undocumented immigrant families in the County ($.47 \times 11,954$ school age children). Subtracting these 17,572 (11,954 school age + 5,618 pre-school age) children from the estimated number of undocumented immigrants (200,000) yields a total number of undocumented immigrant adults of 182,428. There are 1,887,070 adults (age 18 and over) in San Diego County according to the 1990 U.S. Census. The 182,428 undocumented immigrant adults represents 9.7% of this total. However, a significant number of undocumented immigrants are not formally counted by the Census and are not, therefore, included in the Census total. Thus, there are likely to be more adults in San Diego County than the Census totals reveal, rendering the 9.7% figure somewhat high. For purposes of this report, the proportion of San Diego County's adult population

⁴This mean rate of 2.63 was provided by the California State Employment Development Department.

constituted by undocumented immigrants is considered to be 9.0%.

- The proportion of undocumented adults in the work force is relatively high inasmuch as they generally come to the United States for the express purpose of working. Therefore, this analysis makes a generous assumption--that all undocumented adults work except for those who must care for pre-school age children. Consequently, deducting 5,618 adults, who must provide child care on a relatively full-time basis (one adult per pre-school age child), yields a work force of 176,810 undocumented adults.
- The migrant and undocumented immigrant surveys indicated that 49.7% of the adults had taxes withheld from their pay. Therefore, multiplying 49.7% by the work force of 176,810 provides a taxed work force of 87,875 undocumented immigrants.
- The migrant and undocumented immigrant surveys found that the mean bi-weekly income for this group of individuals is \$262 and that they worked 46 weeks out of the year in the United States. The total annual pay for all taxed working undocumented immigrant adults in San Diego County, therefore, is \$529,534,750 ($\262×23 pay periods \times 87,875 taxed workers).
- Unemployment insurance contributions by employers are made on the first \$7,000 of each employee's annual earnings at an average rate of 2.63%. In the migrant and undocumented immigrant surveys, the proportion of persons who earn less than \$7,000 per year was 65.3%, leaving 34.7% earning more than \$7,000 per year. Extrapolating these percentages to the taxed undocumented work force of 87,875 yields 57,382 workers earning less than \$7,000 ($65.3\% \times 87,875$) annually and 30,493 ($34.7\% \times 87,875$) earning \$7,000 or more. The mean earnings of those making less than \$7,000 was \$4,128 per year, according to the surveys. Therefore, unemployment insurance contributions paid by employers can be estimated as follows:

a) 57,382 workers earning less
than \$7000 x \$4128 mean income
x 2.63% = \$ 6,229,757

b) 30,493 workers earning \$7000
or more x \$7000 maximum
taxable income x 2.63% = \$ 5,613,761

Total Unemployment Insurance
Contributions = \$11,843,518

- Employment training taxes are paid by the employer at the rate of 0.1% on the first \$7,000 of employee earnings. Therefore, employment training taxes can be estimated in a manner similar to the one used for unemployment insurance contributions as follows:

a) 57,382 x \$4128 x .1% = \$236,873

b) 30,493 x \$7000 x .1% = \$213,451

Total Employment Training Tax = \$450,324

- State Disability Insurance is paid by employees through payroll deductions paid at an average rate of 1.25%⁵ on the first \$31,767 of individual earnings. Inasmuch as no one in either the migrant survey or undocumented immigrant survey earned as much as this annually, total SDI paid can be estimated by multiplying the taxed work force of 87,875 by their mean annual income of \$6,026 (23 pay periods x \$262 per pay period), and taking 1.25% of that product as follows:

87,875 x \$6026 x 1.25% = \$6,619,184

Sales Taxes. Sales tax in San Diego County is paid at the rate of 7.75%. Sales tax is not paid on grocery items, pharmaceuticals, and various services.

⁵This average rate of 1.25% was provided by the California State Employment Development Department.

- The migrant and undocumented immigrant surveys revealed mean weekly purchases other than groceries of \$40.04 by 91.3% of those working--with 8.7% having nothing left after paying for grocery items. Extrapolating this percentage (91.3%) to the total undocumented work force of 176,810 indicates that 161,428 undocumented immigrants can be assumed to be purchasing \$40.04 of taxable goods per week in the United States for the average 46 weeks they are present. Again, the underlying assumption is a generous one--namely that all purchases other than groceries are taxable. Taxable purchases can be determined to be \$297,324,550 (161,428 undocumented immigrant consumers x \$40.04 spent per week x 46 weeks present). Total sales taxes paid directly by undocumented immigrants in San Diego County, therefore, is 7.75% of these purchases.

$$\$297,324,550 \times 7.75\% = \underline{\$23,042,653}$$

- Sales dollars tend to ripple through the local economy, providing a secondary expansion through what is called the "multiplier effect." The factor by which this expansion takes place has been estimated in San Diego County by the San Diego Association of Governments (SANDAG) to be approximately 1.265. Hence, the \$297,324,550 in sales expands by 26.5% as money circulates through the local economy. This expansion, or multiplier, is equal to \$78,791,006 (\$297,324,500 x 26.5%). Sales tax revenue is derived from this additional spending as follows:

$$\$78,791,006 \times 7.75\% = \underline{\$6,106,303}$$

Income Taxes. State income taxes are withheld from the paychecks of certain taxpayers. Other taxpayers must make payments on a quarterly basis (estimated taxes) or annually with their tax returns.

- As stated above, 47.5% of the survey respondents are married; however, 71.4% of the undocumented immigrants indicated that they had children--only 15.8% actually having their children with them.

The mean number of children per respondent with children is 2.5. In both the migrant and undocumented immigrant surveys, no person made enough money for income taxes to be withheld on a "Married--4 withholding exemption" basis. Therefore, it can be assumed that 47.5% (those married and with children) of all undocumented immigrants do not qualify for income tax withholding, and an additional 0.6% (1 respondent) also does not qualify on the basis of "Head of Household" status and an income too low for withholding purposes. The remaining 51.9%, who are not married and do not have any children with them, would be characterized as "Single" for income tax purposes. Among these "Single" respondents, 44.0% of them earn enough to have income tax withheld from their pay, assuming that those who do not have children with them in the United States claim no deduction for these children. This 44.0% is based upon survey findings which show that 66 out of the 150 respondents to this question earned sufficient money to have income taxes withheld on a "Single--1 exemption" basis. This indicates that 22.8% (44.0% x 51.9% Single--1 exemption) of the undocumented immigrant taxed work force would be subject to income tax withholding. Therefore, of the 87,875 taxed undocumented workers, 20,036 can be expected to have income taxes withheld. Based upon the migrant and undocumented immigrant surveys, the mean income of those earning enough to have taxes withheld is \$392 per bi-weekly period, resulting in an average of \$2.05 being withheld from their bi-weekly pay. Therefore, total State income taxes withheld can be calculated as follows:

20,036 (workers subject to
income tax withholding)
x \$2.05 (average withholding
per pay period)
x 23 (pay periods)

Total State income tax withheld = \$944,697

- According to the surveys, 19.0% of the undocumented immigrants indicated that they filed income tax returns, but very few stated that they received refunds. Hence, there is no basis upon which to reduce the \$944,697 withheld for any

refunds received. Similarly, there is no evidence from the surveys that anyone owed additional taxes at the time they filed their tax return. Therefore, for purposes of this analysis, the most reasonable estimate of income taxes paid remains at the \$944,697 withheld from the paychecks of undocumented immigrant workers earning a sufficient amount to so qualify.

Excise Taxes (Alcohol and Tobacco). The State of California received \$124,827,000 in excise taxes on alcohol purchases and \$153,676,000 in tobacco excise taxes, for a total of \$278,503,000 of such taxes, during fiscal year 1990-91. A portion of these tax receipts can be allocated to San Diego County and, in turn, to the undocumented immigrant population of the County. The percentage of cigarette excise taxes which accrues to San Diego County as a proportion of total Statewide county allocations is 7.3%.⁶ Using the cigarette tax distribution percentage as representative of the County's share of excise taxes paid, it is estimated that \$20,330,719 ($7.3\% \times \$278,503,000$) can be allocated to San Diego County tobacco and alcohol purchases.

Applying the 9.0% undocumented immigrant proportion of total adults in the County to the \$20,330,719 in excise taxes yields \$1,829,765 of such taxes tentatively allocable to undocumented immigrants. However, the migrant and undocumented immigrant surveys found that the mean income per working undocumented immigrant adult is \$6,026 (23 working periods \times \$262). This represents approximately 25.0% of the median income of all San Diego County working adults.⁷ It must be concluded, therefore, that undocumented immigrants are highly unlikely to be able to afford to purchase non-necessities, such as alcohol and tobacco goods, in proportion to their population size. Their purchases of these goods are much more likely to be in proportion to their income. As such, it is estimated

⁶The State of California Board of Equalization distributes \$54,786,483, of which \$4,022,417 (7.3%) is allocated to San Diego County.

⁷Median household income for San Diego County as of April, 1990 was \$35,022 (U.S. Census). Assuming 1.5 working adults per household yields \$23,348 annual income per working adult.

that undocumented immigrants account for \$457,441 (25.0% x \$1,829,765) in such excise tax payments.

Lottery Ticket Purchases. In fiscal year 1990-91, \$2.011 billion of lottery tickets were purchased in California.⁸ Lottery ticket sale proceeds are allocated 50.0% to prize winners, 16.0% to retailers and administrative costs, and 34.0% to education. In fiscal year 1990-91, therefore, \$683,740,000 was made available throughout the State for education (34.0% x \$2.011 billion). Of this amount, San Diego County received \$60,605,964--or 8.9%.

The totals for fiscal year 1991-92 are significantly lower, with \$1.3 billion in lottery revenues having been received by the State for the 11 months ended May 31, 1992. This annualizes to \$1.42 billion for the entire fiscal year. Out of this sum, \$482,800,000 (34.0%) is expected to fund education Statewide, with \$42,969,200 available to San Diego County (8.9% x \$482,800,000).

The undocumented immigrant proportion of the County population, as indicated above, is 9.0%. Applying this percentage to the lottery receipts allocable to San Diego County yields \$3,867,228. Using the assumption that non-necessity spending levels for undocumented immigrants are 25.0% of the general population, the estimated lottery ticket revenue proceeds are \$966,807 (25.0% x \$3,867,228).

Gasoline Taxes. The State of California collects 16¢ on every gallon of gasoline sold in the State. For fiscal year 1990-91, the State collected \$1,840,075,000 of such gasoline taxes.⁹ San Diego County contributed approximately \$158,246,450 of this total, based upon its proportion of total State driving age population (8.6%, according to the 1990 U.S. Census).

Applying the 9.0% San Diego County undocumented immigrant population proportion to the County's share of the gas tax revenue yields \$14,242,181 (\$158,246,450 x 9.0%). The lower income of undocumented immigrants,

⁸Tricia Metzger, District Manager, San Diego and Imperial County, California State Lottery.

⁹Richi Matley, California State Board of Equalization.

combined with their low automobile usage percentage (as indicated by the previously discussed surveys), warrants the application of the 25.0% income-related reduction factor used for non-necessities--generating total gas tax revenue allocable to San Diego County undocumented immigrants of \$3,560,545 (25.0% x \$14,242,181).

Vehicle License/Registration Fees. The State of California charges an annual fee to automobile owners for the licensing and registration of their automobiles. The fee assessed is equal to \$27, plus 2% of the value of the vehicle. San Diego County adds \$6 per vehicle to this fee to fund such programs as air quality, abandoned automobiles, emergency roadside telephones, and theft prevention.¹⁰ For fiscal year 1991-92, San Diego County possessed 1,917,540 of the State's 24,828,453 registered vehicles--or 7.7%. It can be estimated that San Diego County's portion of the State's \$27 registration fee is \$51,773,580 (\$27 fee x 1,917,540 registered vehicles) and that the County's additional \$6 fee results in an additional \$11,505,240. Furthermore, the 2% State license fee generated \$2,929,223,000 to the State of California in 1991-92,¹¹ of which \$225,550,170 (7.7% x \$2,929,223,000) can be allocated to San Diego County based upon its proportion of the State's total number of registered vehicles. Therefore, the total motor vehicle registration and license fees attributable to San Diego County are as follows:

State Registration Fees	\$ 51,773,580
Additional County Programs	11,505,240
State License Fees	<u>225,550,170</u>
Total Fees	<u>\$288,828,990</u>

Applying the 9.0% San Diego County undocumented immigrant population proportion to the County's total vehicle license and registration fees yields \$25,994,609. However, the lower income of undocumented immigrants is likely to result in less automobile ownership for this

¹⁰Rich Sauer, Controller, California Department of Motor Vehicles.

¹¹This equates to an approximate value per registered vehicle of \$5,900.

population and/or ownership of vehicles of lower value than the overall population. Hence, the 25.0% income-related reduction factor can once again be applied, generating an estimate of \$6,498,652 in vehicle license/registration fees paid by San Diego County undocumented immigrants annually.

Table 2.10 summarizes the estimated annual State and local revenues generated by undocumented immigrants in San Diego County. The total public revenue ascribable to undocumented immigrants is \$60,490,124. This corresponds to a per capita revenue of \$302 per year for undocumented immigrants.¹²

¹²According to a study conducted by the Rand Corporation (McCarthy, Kevin F. and Valdez, R. Burciaga, *Current and Future Effects of Mexican Immigration in California*, Rand Corporation, Santa Monica, CA, 1986, p. 86), it was estimated that "cyclical and permanent" immigrants from Mexico--both documented and undocumented --contributed \$298-323 in sales, income, and other miscellaneous tax revenues per capita to State and local governments. The researchers consider the Rand Corporation findings and the findings of the study at hand to be consistent.

Table 2.10

Estimated Annual Public Revenue Attributable
to Undocumented Immigrants

Payroll Taxes	
Unemployment Insurance	\$11,843,518
Employment Training Tax	450,324
State Disability Insurance	6,619,184
Sales Taxes	
Direct	23,042,653
Multiplier	6,106,303
Income Taxes	944,697
Excise Taxes (Alcohol and Tobacco)	457,441
Lottery Ticket Purchases	,966,807
Gasoline Taxes	3,560,545
Vehicle License/Registration Fees	6,498,652
Total	<u>\$60,490,124</u>

APPENDIX - CHAPTER 2

Migrant Survey Questionnaire

1. 1. Male 2. Female
2. Do you have a wife? _____
Children? _____ How many? _____
3. Do you have any of your family here with you?
1. Wife? _____
2. Children? _____ How many? _____
4. Do you plan to bring any of your family here with you?
1. Yes. _____
2. No. _____
3. I'm not sure. _____
5. How old are you? _____
6. How many years of school did you finish? _____
7. Where are you from?
Oaxaca Jalisco Baja California Norte
Michoacan Zacatecas Baja California Sur
Veracruz Querétaro Guanajuato
Guatemala Honduras El Salvador
Other: _____
8. How long have you been coming to work in the United States? _____
9. During which months of the year do you regularly leave here?
January February March
April May June
July August September
October November December
10. What kind of work do you normally do when you are here?
Construction Janitorial/domestic
Agriculture Restaurant
Day jobs Horticulture/nursery
Landscaping Other _____
11. What kind of work do you generally do when you are in your home country? _____

12. Where do you go to find work?
 1. Street
 2. Shopping centers
 3. Other places, which ones? _____
 4. Has permanent job _____
 - a. How long have you worked there? _____
 - b. Have you always worked for minimum wage? _____
13. How far is the place you work from the camp?

_____ kilometers, miles, leguas?
14. How do you get to work?

Drive yourself	Go with friends
Employer provides	Bicycle
Hitchhike	Walk
Bus	Other
Boss picks up in camp	
15. How many days a week do you generally work when you are here? _____
16. How much longer do you plan to come to the United States to work? _____
17. How much money do you earn on an average in a two-week period, when there is work? _____
18. Are taxes generally withheld from your pay?

Yes _____

No _____

Don't know _____
19. In an average week, how much do you think you spend on groceries? _____
20. In an average week, how much do you think you spend on other things you need, besides groceries? _____
21. What do you do with the money that is left over?
 1. Take it or send it to family outside of the U.S.
 2. Deposit it in a bank account? _____
 3. Other _____ What? _____
22. For every 10 persons living in this camp, how many don't have papers? _____

23. Did you report your income tax last year?
- Did you get any money returned? _____
- How did you report yourself?
Single? _____ Married? _____
24. Have you ever received welfare? _____
25. Have you ever gone to a doctor here in the U.S.?
For what reason? _____
How many times? _____
Did you pay for the service? _____
Who paid? _____
26. Have you ever had trouble with a boss who would not
pay you for work you had done? _____
How much does he owe you? _____
What have you done to recover this money?

27. Do you work now with a false SS#? _____
In the past? _____
How long? _____
28. When you get sick where do you go?
a. Pharmacy in Tijuana or Tecate? _____
b. Medicine man, spiritualist, herb doctor? _____
c. Doctor or clinic here? _____
In Tijuana? _____

CHAPTER 3

THE COST OF PROCESSING UNDOCUMENTED IMMIGRANTS THROUGH THE CRIMINAL JUSTICE SYSTEM

It has been estimated that, throughout San Diego County, a total of approximately \$1 billion is being spent annually by a combination of State and local agencies in the interest of local security, enforcement, criminal adjudication, and punishment.¹ At the same time, local criminal justice systems, with their public responsibility to ensure general safety through law enforcement, crime prevention, and the correctional system, have had considerable contact with undocumented immigrants.²

There have been several studies of criminal activity associated with undocumented immigrants. These studies tend to establish that a significant percentage of the prison and criminal populations is comprised of undocumented immigrants. The San Diego Association of Governments (SANDAG) performed a study of data from fiscal year 1985-1986 in San Diego County and El Paso County, Texas--the two United States counties bordering the largest concentrations of people not residents of the United States--and identified 12% of the sentenced felony arrest population in San Diego to be undocumented and 15% in El Paso.³ A United States Immigration and Naturalization Service (INS) survey of the Los Angeles County Central Jail in 1986 found 20% of the inmates to be undocumented

¹San Diego Union, February 2, 1992, p. 1, section A.

²San Diego Association of Governments, *The Impact of Illegal Immigration on the Criminal Justice System*, San Diego, July 1989, p. 15.

³*The Impact of Illegal Immigration on the Criminal Justice System*, p. iii.

immigrants.⁴ The SANDAG and INS studies were each performed as one-day, "snap shot" surveys.

A 1985 study of the San Diego County Jail at Vista found that the monthly proportions of undocumented prisoners varied from 35% to 65% of the jail population.⁵ A one day analysis performed by the San Diego County Probation Department on January 24, 1992, identified 51% of the inmates at their medium security Descanso facility as undocumented.⁶ California Superior Court Judge David O. Carter (Orange County) allowed the Immigration and Naturalization Service to come into his court and personally interview all persons who were in court for felony probation violations and certified plea bargains. His nine-month study (January-September 1989) identified 36.4% of the total defendant population in his court to be undocumented immigrants, as identified and confirmed by the INS.⁷ Furthermore, Judge Carter feels that his court's percentage of undocumented immigrants is probably closer to 40%. He suspects this because the INS does not detain immigrants who come from countries "where the United States is an adversary and has no extradition authority"⁸ (e.g., Vietnam, Cuba, Cambodia, and Iran), and he further contends that certain defendants deliberately avoid his court in order to not be questioned by the INS. He stated in testimony before the United States House of Representatives that the "illegal felon population is similar or worse in

⁴Daniel James, *Illegal Immigration: An Unfolding Crisis*, Lanham, Maryland: University Press of America, Inc., p. 63.

⁵Alan Kalmanoff. *The Causes of Overcrowding in San Diego*, Institute for Law and Policy Planning, Berkeley, 1985.

⁶Interview with John G. Blackwell, Supervising Probation Officer, San Diego County Probation Department, January 24, 1992.

⁷Statement by David O. Carter. Superior Court of the State of California, County of Orange, Hearings of the U.S. House of Representatives on Criminal Aliens, Washington, D.C., November 1, 1989.

⁸*Ibid.*, p. 6.

San Diego County, Riverside County, San Bernardino County, and Los Angeles County."⁹

Table 3.1 portrays felony crime patterns in San Diego County for the overall population during the years 1987-1990. Table 3.2 portrays felony crimes committed by undocumented immigrants for the same period, according to the records of the San Diego County District Attorney. In general, an analysis of the data indicates that the undocumented population tends to commit crimes approximately in the same proportions as the general population. Burglaries tend to be higher among the undocumented, but assaults are lower. It is noteworthy that in 1989 and 1990, drug offenses among the undocumented increased at a substantially faster rate than in the population at large. The purpose of this chapter is to focus specifically upon the impact of undocumented immigrants on the criminal justice system. Law enforcement costs, prosecutorial and judicial costs, and costs associated with the correctional system will constitute the crux of the analysis.

The Criminal Justice System

The commission of a crime, be it a felony or misdemeanor, initially involves the intervention of appropriate law enforcement personnel--usually a local police department, the County Sheriff, or the State Highway Patrol. These agencies investigate the crime, arrest individuals suspected, and file initial charges.

The filing of charges introduces the arrestee to the prosecutorial and judicial processes. The District Attorney's Office reviews the case and determines whether or not to dismiss the charges or to "issue" the case. If the case is issued, the arrestee, now the defendant, passes through a series of court mandated processes from arraignment (the issuance of formal charges) to various preliminary hearings and conferences to a possible jury or court (judge) trial. The charges may be dismissed at any point during the process, or the defendant may "plea out" (i.e., accept a guilty plea for the crime charged or for some negotiated, lesser crime).

⁹*Ibid.*, p. 10.

Table 3.1

Felony Crimes Committed by All Persons in San Diego County
1987-1990

Highest Crime ^(a)	1987 #	1987 %	1988 #	1988 %	1989 #	1989 %	1990 #	1990 %
Homicide	107	0.7	125	0.7	99	0.6	115	0.7
Forcible Rape	117	0.8	117	0.7	115	0.6	94	0.5
Robbery	639	4.1	603	3.6	733	4.1	816	4.7
Assault	802	5.2	1,007	6.0	1,164	6.5	1,233	7.1
Burglary	2,076	13.4	2,370	14.1	2,342	13.2	2,122	12.2
Theft	4,460	28.9	4,731	28.3	4,792	26.9	4,350	25.0
Drug Offenses	3,770	24.5	4,283	25.6	4,690	26.3	4,706	27.1
Other ^(b)	3,464	22.4	3,527	21.0	3,879	21.8	3,949	22.7
Total	15,435	100.0	16,763	100.0	17,814	100.0	17,385	100.0

^(a)Includes only the highest crime committed for each case issued by the District Attorney. Some cases involve the commission of more than one crime.

^(b)Includes driving under the influence, hit and run, escape, bookmaking.

Source: San Diego County Office of the District Attorney

Table 3.2
Felony Crimes Committed by Undocumented Immigrants
1987-1990

Highest Crime ^(a)	1987 #	1987 %	1988 #	1988 %	1989 #	1989 %	1990 #	1990 %
Homicide	13	1.2	11	0.9	10	0.8	10	0.8
Forcible Rape	7	0.7	12	1.0	3	0.2	4	0.3
Robbery	42	3.9	64	5.4	57	4.6	88	6.8
Assault	38	3.5	47	4.0	39	3.2	38	2.9
Burglary	267	24.9	317	26.7	243	19.7	208	16.1
Theft	303	28.2	304	25.7	308	24.9	331	25.6
Drug Offenses	210	19.6	240	20.2	412	33.3	392	30.3
Other ^(b)	193	18.0	191	16.1	164	13.3	222	17.2
Total	1,073	100.0	1,186	100.0	1,236	100.0	1,293	100.0

^(a)Includes only the highest crime committed for each case issued by the District Attorney. Some cases involve the commission of more than one crime.

^(b)Includes driving under the influence, hit and run, escape, bookmaking.

Source: San Diego County Office of the District Attorney

During this process the defendant is represented by counsel--private or publicly provided. If the case proceeds all the way to court and the defendant is found guilty of charges (or has previously plead out), he or she is then sentenced by the court and remanded to the custody of the correctional system.

The correctional system consists of jails and probationary and juvenile facilities operated by the County and of prisons operated by the State. Adults sentenced to more than one year are sent to prison. Jails serve those convicted and sentenced to serve less than one year. Less dangerous criminals sentenced to jail and others determined by the court to not be in need of incarceration are placed in the custody of County probation authorities, either at a low or medium security facility or on a home furlough program.

Law Enforcement

The first section of this criminal justice study concerns law enforcement and the costs associated with undocumented immigrant arrestees.

Various police departments, including the City of San Diego, have indicated that the percentage of arrests for the undocumented immigrant population can be utilized as a reasonable estimate of the overall percentage of time expended by police departments in connection with that particular population. Their rationale consists of understanding that the primary role of law enforcement agencies is to protect the safety of the general public from crime by preventing criminal activities and apprehending perpetrators of crime. In that vein, all of these police departments' actions are tied to crime prevention. That is to say, patrolling, record keeping, investigating, report writing, answering the telephone at the station, and so forth are all a part of the central function of law enforcement--crime prevention and apprehension.

Criminal activity takes two legally differentiated forms--felonies and misdemeanors. Felonies are the more serious crimes, such as burglary, assault, or murder, and are recorded much more carefully by police departments than misdemeanors. The standard arrest form used for all felonies, the Arjus form, requires a considerably greater

amount of information about the arrestee than does a misdemeanor citation. The Arjus form contains a box to be checked if the arresting officer can identify the arrestee as undocumented. As such, it was determined by the researchers, in conjunction with police research and records professionals, that not only were percentages of arrests the best single measure of police time spent on any particular population, but that it would be most accurate to isolate and analyze felony arrest percentages specifically because misdemeanors are not as seriously recorded or as diligently reported as felonies.

Therefore, the percentage of felony arrests applicable to the undocumented immigrant population is considered to serve as the single most significant indicator of all arrests (both felonies and misdemeanors) and, consequently, police officers' time spent in professional service. Furthermore, felony arrest data are the only source of information which even attempts to identify residency.

Methodology

Many police departments instruct their officers to look for a number of characteristics which they believe can help to identify an undocumented person. These characteristics include, but are not limited to:

- No United States driver's license
- No Social Security number
- No United States address
- Lack of employment
- Inability to speak English

The San Diego County District Attorney's office provided a computerized distribution of felony cases issued by the local law enforcement agency of arrest to Rea & Parker, Incorporated for undocumented immigrants for the period October 1 - December 31, 1991 (Table 3.3). The District Attorney's office coded their cases as "undocumented" when the Arjus form was so marked by the arresting police officer.

Table 3.4 portrays the proportion of cases issued within each local law enforcement agency which were identified as undocumented on the Arjus form. However, inasmuch as arrests form the basis of measuring the magnitude of the undocumented immigrant interface with law enforcement, cases issued, in and of themselves, are

Table 3.3

Number of Undocumented Immigrant Felony Cases Issued
by the District Attorney, San Diego County
October 1 - December 31, 1991

Law Enforcement Agency	Number of Cases	%
San Diego City Police	350	66.0
San Diego County Sheriff	59	11.2
Oceanside Police	11	2.1
Chula Vista Police	9	1.7
Escondido Police	19	3.6
El Cajon Police	16	3.0
Carlsbad Police	6	1.1
National City Police	8	1.5
La Mesa Police	5	0.9
Coronado Police	0	0.0
California Highway Patrol	20	3.8
Narcotics Task Force	19	3.6
San Diego County District Attorney	8	1.5
Total	530	100.0

Source: San Diego County Office of the District Attorney

not sufficient. This occurs because not every arrest necessarily results in the formal issuance of a case, and the number of cases issued may, therefore, misstate the true volume of activity attributable to undocumented immigrants. Hence, it is the arrest documents rather than the issuance of a case, which must be researched in order to adequately assess the allocation of police time.

It has been the experience of many local police departments that officers in the field are frequently not fully able to accurately identify undocumented immigrants,

Table 3.4

Proportion of Total Felony Cases Issued Against
Undocumented Immigrants by the District
Attorney for Each Local Law
Enforcement Agency
October 1, 1991 - December 31, 1991

Law Enforcement Agency	Proportion of Cases Issued--Undocumented Immigrants
San Diego City Police	13.1
San Diego County Sheriff	5.7
Oceanside Police	3.1
Chula Vista Police	3.3
Escondido Police	7.3
El Cajon Police	4.4
Carlsbad Police	4.8
National City Police	3.7
La Mesa Police	5.4
Coronado Police	0.0
California Highway Patrol	35.0 ^(a)

^(a)Chief Clarence Tuck of the California Highway Patrol, Border Division, reported that 35% of CHP contact involves undocumented immigrants (for more complete discussion, see footnote 11 on page 53).

Source: San Diego County Office of the District Attorney

that officers will sometimes be called to another crime scene in the middle of the requisite identification process, and that, without constant pressure from their superiors, this recording procedure would naturally become a low priority. These very same arguments were put forth by Judge David Carter in his justification for inviting the INS into his court.

As such, the arrest records of the San Diego Police Department were physically inspected by Rea & Parker, Incorporated. By applying the same indicators of undocumented status as discussed above (e.g., driver's license, social security number, etc.) and as confirmed by the San Diego Police Department as the best indicators available,¹⁰ the researchers sought to establish the relationship between the number of undocumented immigrant felony arrests and the number of cases issued against them in the City of San Diego. The relationship between these arrests by the San Diego Police Department and cases issued by the District Attorney was put in the form of a revised proportion of law enforcement activity applicable to undocumented immigrants in the City of San Diego. The revision to San Diego's undocumented immigrant arrest percentage was then applied to all other law enforcement agencies in the County. The application of this revised proportion to other law enforcement agencies is justified because the San Diego Police Department represents 60.2% of all annual expenditures by San Diego County and local city law enforcement agencies (see Table 3.6 on page 56) and because the San Diego Police Department represents approximately two-thirds of the undocumented immigrant cases issued in the County (Table 3.3). This revised proportion, based upon the volume of felony arrests rather than cases issued, could then be applied to law enforcement budgets of the various San Diego County law enforcement agencies in order to identify the cost of law enforcement allocable to undocumented immigrants.

Findings

The physical inspection of felony arrest records and booking slips of the City of San Diego Police Department during the period October - December, 1991 revealed that 18.3% of arrestees were estimated to be undocumented immigrants. The same methodological criteria (e.g., driver's license, social security number) were applied to these documents as were applied in the field by the arresting officers during the study period. Hence, there is the strong possibility that this proportion may be a somewhat conservative estimate inasmuch as many

¹⁰The San Diego Police Department bases this assertion upon the fact that they have performed such "post facto" analyses and have found them to be quite accurate when measured against other studies (e.g., SANDAG, *The Impact of Illegal Immigration on the Criminal Justice System*).

undocumented immigrants acknowledge the fact that they possess false copies of these documents (see Chapter 2).

The 18.3% undocumented immigrant arrest proportion exceeds the 13.1% of cases issued by the District Attorney which are associated with undocumented immigrants arrested by the City of San Diego Police. The proportion by which these arrests exceed the corresponding cases issued is 40%. Because San Diego's Police Department is such a substantial proportion of law enforcement activity in San Diego County, this factor of 40% can be applied to the cases issued through other law enforcement agencies in order to ascertain the percentage of arrests in each such jurisdiction which is ascribable to undocumented immigrants. Table 3.5 portrays these arrest percentages for undocumented immigrants under this 40% increase assumption for each of the law enforcement agencies in San Diego County. Overall, undocumented immigrants account for 12.5% of felony arrests throughout San Diego County.

One further issue merits attention with regard to the percentages reflected in Table 3.5. The study period contains one potential significant bias. Typically, many undocumented immigrants leave the United States during the holiday/winter season (see Chapter 2). As such, there exists the possibility that the number of undocumented arrests may be lower during the study period than it would be during the time of year when more undocumented immigrants are likely to be in the United States. The San Diego data were analyzed for the month of October only and 18.7% of the arrests were found to be undocumented immigrants. The difference between October's 18.7% and the 3 month figure of 18.3% is considered insignificant and not warranting seasonal adjustment.

The percentages from Table 3.5, plus any percentage related to undocumented immigrants incurred by other state or local law enforcement agencies, most notably the California Highway Patrol,¹¹ were applied to actual law

¹¹According to Chief Clarence Tuck, the California Highway Patrol has extensive involvement with the undocumented population. For example, the CHP backs up all local law enforcement agencies as well as the Border Patrol and the INS. They assist in "raiding" migrant camps. They respond to pedestrian injuries on Interstates 5 and 15, and they are heavily involved in auto theft among the undocumented immigrants.

Table 3.5

Proportion of Total Felony Arrests of Undocumented
Immigrants for Each Local Enforcement Agency
October 1, 1991 - December 31, 1991

Law Enforcement Agency	Proportion of Felony Arrests--Undocumented Immigrants ^(a) (Cases Issued [Table 3.4] increased by 40%)
San Diego City Police	18.3
San Diego County Sheriff	8.0
Oceanside Police	4.3
Chula Vista Police	4.6
Escondido Police	10.2
El Cajon Police	6.2
Carlsbad Police	6.7
National City Police	5.2
La Mesa Police	7.6
Coronado Police	0.0
California Highway Patrol	35.0 ^(b)

^(a)The weighted mean percentage (or overall proportion of undocumented immigrant felony arrests) for all of San Diego County is 12.5%.

^(b)This number was provided directly by Chief Clarence Tuck of the California Highway Patrol (see Table 3.4). It represents the estimate of time spent by the CHP in handling matters related to undocumented immigrants. It is not an arrest percentage, as such, and is, therefore, not subject to the 40% increase.

Source: San Diego County Office of the District Attorney

enforcement operating budgets (exclusive of capital costs) in order to estimate the law enforcement costs associated with undocumented immigrants.

Table 3.6 presents the results of applying the revised felony arrest percentages to the respective law enforcement operating budgets. As discussed above, this approach utilizes felony arrest percentages as the best indicator of all arrests (both felonies and misdemeanors) and, consequently, of police officers' time spent in professional service. Table 3.6 indicates a total anticipated County law enforcement agency cost of \$45,016,596 applicable to undocumented immigrants for fiscal year 1991-92. This sum equates to 15.0% of the total law enforcement operating budgets in San Diego County.

Judicial System

The next stage in the criminal justice system is the judicial process (courts and legal prosecution/defense). Once arrested, the individual charged with a crime faces a series of judicial events which culminate in the determination of guilt or innocence and the pronouncement of a punishment in the form of a "sentence."

Methodology

The derivation of a methodological approach to judicial system costs must acknowledge one fundamental obstacle: the time allotted for this study is insufficient to identify an arrestee and follow that arrestee through the judicial system from arrest to trial and pronouncement of sentence. This process, needless to say, can consume many years. Hence, there is a need for historical data and the assumption that current arrestees will proceed through the judicial system in the same general manner as have past arrestees.

As such, a four year (1987-1990--Post IRCA) analysis of the judicial process, including the various judicial stages through which an accused undocumented immigrant passes and the corresponding sentences issued, was conducted. In order to formally determine judicial system costs, the estimated number of undocumented immigrants entering and progressing through the court system annually must be identified.

Table 3.6

Estimated Amount of Law Enforcement Operating Budgets Allocated to Serving
Undocumented Immigrants (Fiscal Year, 1991-92)

Law Enforcement Agency	Total Operating Budget ^(a) (1991-92)	Proportion of Budget Allocated to Undocumented Immigrants (Table 3.5)	Amount Allocated to Undocumented Immigrants
San Diego City ^(b)	\$166,775,150	18.3	\$30,519,852
San Diego County Sheriff	31,890,269	8.0	2,551,221
California Highway Patrol	20,574,121 ^(c)	35.0	7,200,942
Oceanside	19,017,467	4.3	817,751
Chula Vista	14,653,080	4.6	674,042
Escondido	11,723,928	10.2	1,195,841
El Cajon	9,707,951	6.2	601,893
Carlsbad	9,446,473	6.7	632,914
National City	7,576,210	5.2	393,963
La Mesa	5,633,910	7.6	428,177
Coronado	3,070,771	0.0	-0-
Total	300,069,330	15.0	\$45,016,596

^(a)Amounts provided under the Operating Budget heading do not include capital costs.

^(b)Includes Harbor Police (Port of San Diego) who report arrests to the District Attorney through the City of San Diego.

^(c)Budget of the California Highway Patrol for the 3 offices in San Diego County.

The four year historical analysis (1987-1990) of undocumented immigrant cases was applied to the current number of cases issued under the assumption that current cases will proceed through the judicial system in accordance with this four year pattern. The four year study analyzed such variables as crime committed, judicial events completed, sentence pronounced, court of jurisdiction administering case, and type of defense attorney involved. A cost was identified for each category of these variables and applied to the total number of current undocumented immigrant cases.

Specifically, a unit cost was associated with each judicial event (e.g., preliminary hearing, readiness conference) for each court involved, and a unit cost was also associated with each public attorney type (e.g., district attorney, public defender) so that a total judicial cost for the estimated number of undocumented immigrant felony cases could be established. In addition, based upon historical patterns, the number of undocumented immigrant misdemeanor cases could be estimated, and their course through the judicial system also was capable of being estimated and costed.

Findings

Felony Court Costs: Within the judicial process, there are several stages through which a charged person can potentially pass enroute to the final disposition of the case. For purposes of general information, these judicial events are shown in Table 3.7 cross-tabulated by type of crime among the undocumented and combined for the years 1987-1990. It is clear that arraignments on complaint, readiness conferences, preliminary exams, and jury trials are dominant judicial events for most felonies.

Table 3.8 shows the various judicial events completed by undocumented immigrant cases for the period 1987-1990 along with the percentage of total undocumented cases which those events include. For example, Municipal Court readiness conferences occur 83.9 times for every 100 cases issued. In another example, 109.4 preliminary exams are completed for every 100 cases issued. Thus, Table 3.8 establishes an historical pattern which can be used to allocate the predicted number of current undocumented cases among the judicial events in the same relative proportions.

Table 3.7

**Highest Crime (Felony) by Judicial Events Completed for Undocumented Immigrants
Cumulative 1987-1990**

Highest Crime										
Judicial Event	Homicide #	Homicide %	Forcible Rape & Assault #	Forcible Rape & Assault %	Robbery Burglary & Theft #	Robbery Burglary & Theft %	Drug Offense #	Drug Offense %	Other #	Other %
Arraignment On Complaint On Information	27 27	8.7 8.7	188 92	17.8 8.7	2619 801	24.6 7.5	1353 312	24.9 5.7	794 247	22.0 6.9
Municipal Court Readiness Readiness Conference Felony Readiness Dispositional/ Hearing	4 0 0	1.3 0.0 0.0	160 0 4	15.2 0.0 0.4	2178 10 73	20.4 0.1 0.7	1079 1 59	19.8 0.0 1.1	598 2 43	16.6 0.0 1.2
Superior Court Readiness	62	20.1	139	13.2	786	7.3	496	9.1	374	10.4
Superior Court PC 995 ^(a)	9	2.9	4	0.4	43	0.4	28	0.5	15	0.4
Preliminary Exam	62	20.1	231	21.8	2662	25.0	1380	25.3	904	25.1
Diversional Hearing	0	0.0	0	0.0	1	0.0	47	0.9	3	0.0
Jury Trial	114	36.9	212	20.0	1262	11.8	531	9.8	525	14.6
Court Trial	0	0.0	0	0.0	9	0.1	2	0.0	2	0.0
Warrant Issuance	4	1.3	26	2.5	221	2.1	159	2.9	102	2.8
Total	309	100.0	1056	100.0	10665	100.0	5447	100.0	3609	100.0

^(a)Hearing to consider dismissing charges

Source: San Diego County Office of the District Attorney

Table 3.8

Judicial Events Completed by Undocumented Immigrants
for Felonies
Cumulative 1987-1990

Judicial Event	# of Judicial Events Completed	% of Undocumented Cases Which Have Completed Each Event ^{(a)(b)}
Arraignment		
On Complaint	4,981	104.0
On Information	1,479	30.9
Municipal Court Readiness		
Readiness Conference	4,019	83.9
Felony Readiness	13	0.3
Dispositional Hearing	179	3.7
Superior Court Readiness	1,857	38.8
Superior Court PC 995	99	2.1
Preliminary Exam	5,239	109.4
Diversional Hearing	51	1.1
Jury Trial	2,644	55.2
Court Trial	13	0.3
Warrant Issuance	512	10.7

^(a)Total number of events may exceed number of cases because each case may entail several different events and may further require the same event more than once.

^(b)This column was obtained by dividing the cumulative number of events in the first column by 4,788 total cases issued for undocumented immigrants (1987-1990).

Source: San Diego County Office of the District Attorney

The predicted number of undocumented immigrant felony cases entering the judicial system annually is 2,968. This estimate is derived from the 530 felony cases which were issued against undocumented immigrants during October - December 1991 by the District Attorney (Table 3.3). The same 40% increase factor used to reconcile arrests by the San Diego Police Department with other local law enforcement agencies can also be applied to District Attorney cases issued.¹² Thus, the 530 cases issued shown in Table 3.3 is increased to 742 cases for the three month reporting period. This translates into an annualized total number of undocumented immigrant felony cases issued of 2,968.

Table 3.9 shows the distribution of judicial events expected to be completed by the 2,968 predicted undocumented immigrant felony cases. This distribution is accomplished by applying the percentages from Table 3.8 to the predicted number of cases. Table 3.9 also distributes these predicted judicial events by court jurisdiction based upon the pattern established in the four year study period.

Unit cost data for each judicial event were furnished to the researchers by each Municipal Court as well as the Superior Court. Table 3.10 applies these costs to the allocation of cases depicted in Table 3.9 and reprinted in parentheses in Table 3.10. The total court cost of each judicial event is summarized for these felony cases and aggregated to a total cost of \$3,733,732.

Misdemeanor Court Costs: Whereas Tables 3.8, 3.9, and 3.10 portray the allocation of felony cases for undocumented immigrants and their associated judicial costs, Tables 3.11 and 3.12 accomplish the same for misdemeanors. Misdemeanor cases have never been reported by police or tracked by the District Attorney in the same

¹²The 40% increase factor applies here because, based upon the physical inspection of arrest forms conducted by Rea & Parker, Incorporated (as previously discussed), the number of identified undocumented immigrant cases issued by the District Attorney is found to be low. The low number of cases issued derives from the tendency for officers in the field to underestimate the number of undocumented immigrants during the process of arrest and from the fact that the District Attorney identifies such cases directly from the arrest forms.

Table 3.9

Allocation of Current Predicted Undocumented Immigrant Felony Cases
Among Judicial Events by Court Jurisdiction

Judicial Event	Predicted Current Felony Cases					
	Superior Court	San Diego Municipal Court	South Bay Municipal Court	El Cajon Municipal Court	North County Municipal Court	Total
Arraignment On Complaint On Information	- 917	1,914 -	586 -	247 -	340 -	3,087 917
Municipal Court Readiness Readiness Conferences Dispositional Hearing	- -	1,428 106	473 2	224 -	374 2	2,499 110
Superior Court Readiness	1,152	-	-	-	-	1,152
Superior Court PC 995	62	-	-	-	-	62
Preliminary Exam	-	2,012	585	228	422	3,247
Diversional Hearing	-	15	8	5	5	33
Jury Trial	1,638	-	-	-	-	1,638
Court Trial	9	-	-	-	-	9
Warrant Issuance	318	-	-	-	-	318

Table 3.10
Cost of Judicial Events for Current Undocumented Felony Cases

Judicial Event	Unit Cost of Judicial Event by Court Jurisdiction (frequency of event in parentheses)						Total Cost
	Superior Court	San Diego Municipal	South Bay Municipal	El Cajon Municipal	North County Municipal		
Arraignment On Complaint On Information	- - \$29.91 (917)	\$23.14 (1914) - -	\$24.87 (586) - -	\$39.50 (247) - -	\$35.83 (340) - -	\$ 80,803	27,427
Municipal Court Readiness Readiness Conferences Dispositional Hearing	- - - -	\$35.62 (1428) \$35.62 (106)	\$54.67 (473) \$54.67 (2)	\$53.10 (224) \$53.10 -	\$30.64 (374) \$30.64 (2)	100,078	3,947
Superior Court Readiness	\$33.33 (1152)	- -	- -	- -	- -		38,396
Superior Court PC 995	\$174.08 (62)	- -	- -	- -	- -		10,793
Preliminary Exam	- -	\$113.89 (2012)	\$106.87 (585)	\$121.29 (228)	\$101.05 (422)	361,962	
Diversional Hearing	- -	\$43.60 (15)	\$40.82 (8)	\$111.11 (5)	\$16.05 (5)	1,617	
Jury Trial	\$1865.94 (1638)	- -	- -	- -	- -	3,056,410	
Court Trial	\$1660.41 (9)	- -	- -	- -	- -	14,944	
Warrant Issuance	\$117.47 (318)	- -	- -	- -	- -	37,355	
Total Felony Cost						\$ 3,733,732	

Source: Unit cost data provided by the San Diego County Superior Court and the four Municipal Courts.

detail as felony cases insofar as documentation status is concerned. During the four years 1987-1990, however, the total number of misdemeanor cases have numbered 4.4 times the number of felony cases in San Diego County (296,400 misdemeanors as compared to 67,407 felonies for the general population). Assuming that the general population ratio holds for undocumented immigrants, it can be assumed that there are approximately 13,059 undocumented immigrant misdemeanors currently in the judicial system (2,968 felony cases x 4.4).

Table 3.11 indicates the total number of misdemeanor judicial events for the general population as well as the percentage of cases issued which have completed these events, just as Table 3.8 did for the felony offenses of the undocumented immigrants.

Table 3.12 shows the distribution of judicial events expected to be completed by the 13,059 predicted undocumented misdemeanor cases. The distribution is accomplished by applying the percentages from Table 3.11 to the number of current estimated cases (13,059). Table 3.12 further applies the unit costs provided by the courts to these predicted number of judicial events to yield a total misdemeanor-related court cost of \$3,158,721. The total court costs, therefore, among undocumented immigrant felony and misdemeanor cases is \$6,892,453 (\$3,733,732 felony court costs + \$3,158,721 misdemeanor court costs).

Attorney Costs: Beyond the actual court costs are two additional public costs associated with the prosecution of issued felony and misdemeanor cases. These public costs are the cost of prosecution by the District Attorney and the cost of providing public legal defense for those undocumented immigrants unable to afford private attorneys.

Tables 3.13 and 3.14 utilize unit cost data provided by the County's Office of the District Attorney and apply these costs to the undocumented immigrant judicial events from Tables 3.9 (felonies) and 3.12 (misdemeanors). Table 3.13 illustrates that the cost to San Diego County of prosecuting undocumented immigrant felony cases is \$10,379,594 per year. It should be noted that Table 3.13 includes two substantial costs not included in the court costs previously discussed. These costs are pre-arraignment costs incurred prior to an actual court appearance for each case, and victim/witness program costs, which are incurred in 75% of all felonies according

Table 3.11

Judicial Events Completed for the General Population
Cumulative, 1987-1990
(Misdemeanors)

Judicial Event	Cumulative # of Judicial Events	% of Cases Issued Which Have Completed Each Event ^(a)
Arraignment		
On Complaint	397,684	134.2
On Information	452	0.2
Municipal Court Readiness		
Readiness Conference	239,476	80.8
Dispositional Hearing	18,453	6.2
Settlement Conference	321	0.1
Readiness Jury	1,445	0.5
Superior Court Readiness	732	0.2
Superior Court PC 995	50	-
Preliminary Exam	3,360	1.1
Diversional Hearing	10,071	3.4
Jury Trial	2,755	0.9
Court Trial	88,214	29.8
Warrant Issuance	133,856	45.2

^(a)This column is obtained by dividing the cumulative number of judicial events in the first column by the four year cumulative number of misdemeanor cases--296,400.

Source: San Diego County Office of the District Attorney

Table 3.12

Total Estimated Cost of Judicial Events for Misdemeanor Cases of Undocumented Immigrants

Judicial Event	Number of Completed Judicial Events Predicted for Current Cases	Unit Cost of Judicial Event (frequency of event in parentheses)		Total Cost
		Municipal Court ^(a)	Superior Court	
Arraignment On Complaint On Information	17,525 26	\$30.84 -	- \$29.91 (26)	\$ 540,471 778
Municipal Court Readiness Readiness Conference Dispositional Hearing Settlement Conference Readiness Jury	10,552 810 13 65	\$43.51 43.51 (810) 43.51 (13) 43.51 (65)		459,118 35,243 566 2,828
Superior Court Readiness	26	-	\$33.33 (26)	867
Superior Court PC 995	-	-	\$174.08	-
Preliminary Exam	144	\$110.78 (144)	-	15,952
Diversional Hearing	444	\$ 52.90 (444)	- (444)	23,488
Jury Trial	118	\$2,454.35 (118)	-	289,613
Court Trial	3,892	\$454.36 (3,892)	-	1,768,369
Warrant Issuance	5,903	\$3.63 (5,903)	-	21,428
Total Misdemeanor Cost				\$3,158,721

^(a)Unit cost figures represent the average of the 4 Municipal Courts.

to the District Attorney. Table 3.14 depicts the cost to the County for prosecution of undocumented immigrant misdemeanors to be \$6,020,503 per year, for a total District Attorney prosecutorial cost of \$16,400,097 per year (\$10,379,594 felonies + \$6,020,503 misdemeanors).

Table 3.13

Cost of District Attorney Prosecution Per Judicial Event
for Current Undocumented Felony Cases

Judicial Event	Number of Completed Judicial Events Predicted for Current Cases	Unit Cost of District Attorney per Event	Total Cost
Pre Arraignment	2,968	650.57	\$ 1,930,892
Arraignment ^(a)	4,004	85.07	340,620
Readiness ^(b)	3,761	57.12	214,828
Superior Court PC 995	62	424.07	26,292
Preliminary Exam	3,247	203.31	660,148
Diversional Hearing	33	22.42	740
Jury Trial	1,638	3,490.62	5,717,636
Court Trial	9	825.32	7,428
Victim/Witness Program	2,226	641.27	1,427,467
Miscellaneous Costs per Case ^(c)	2,968	18.04	53,543
Total District Attorney Cost for Felonies			\$10,379,594

^(a)Combines "On Complaint" and "On Information" from Table 3.9.

^(b)Combines all subsections of readiness process (Municipal and Superior Courts) from Table 3.9.

^(c)Includes worksheet for binding defendant to Superior Court, returned subpoena forms, additional discovery, witness claim forms, and filing costs.

Source: San Diego County Office of the District Attorney

Table 3.14

**Cost of District Attorney Prosecution Per Judicial Event
for Current Undocumented Misdemeanor Cases**

Judicial Event	Number of Completed Judicial Events Predicted for Current Cases	Unit Cost of District Attorney per Event	Total Cost
Pre Arraignment	13,059	153.73	\$2,007,560
Arraignment ^(a)	17,551	85.07	1,493,064
Readiness ^(b)	11,466	57.12	654,938
Preliminary Exam	144	203.31	29,277
Diversional Hearing	444	22.42	9,954
Jury Trial	118	396.54	46,792
Court Trial	3,892	396.54	1,543,334
Miscellaneous Costs per Case	13,059	18.04	235,584
Total District Attorney Cost for Misdemeanors			\$6,020,503

^(a)Combines "On Complaint" and "On Information" from Table 3.12.

^(b)Combines all subsections of Readiness process (Municipal and Superior Courts) from Table 3.12.

Source: San Diego County Office of the District Attorney

The second additional public cost of prosecution is legal defense for indigent or near-indigent undocumented immigrant defendants. There are three levels of public legal defense--the Public Defender, the Alternate Public Defender (Office of Conflicts), and the Alternate Defense Counsel. The San Diego County Office of the Public Defender handles cases in which there is only one defendant unable to hire private representation. A second indigent individual, accused in the same crime, cannot be represented by the same counsel. Therefore, the Alternate Public Defender represents that second individual. Similarly, when more than two indigent individuals are

involved in the same crime, the County hires private attorneys, Alternate Defense Counsels, to represent those additional parties.

The type of defense attorney may change at various times during the prosecution of the case. For example, it is not uncommon for individuals to have a private attorney for arraignment purposes, realize their inability to pay privately for additional legal services, and then request public assistance thereafter. Unfortunately, the San Diego County Office of the Public Defender does not maintain cost data by judicial event; therefore, it is not possible to use unit costs of judicial events to directly calculate the total County cost associated with public defenders. All 3 of these public defender agencies, however, do maintain cost records by type of crime defended. Therefore, public defense costs can be calculated using a four stage method, as follows:

- a) Identify the crimes for which undocumented immigrants are prosecuted.
- b) Identify the type of attorney employed by accused undocumented immigrants at the single point in the judicial process considered to be most characteristic of their overall defense type inasmuch as type of defense counsel does change throughout the process.
- c) Project these crimes and defense counsel patterns on current undocumented immigrant felony and misdemeanor cases issued.
- d) Merge the pattern of crimes with the defense attorney type and apply the costs provided by the County for such defense types and crimes.

Table 3.15 is a four year compilation of the annual crime data presented in Table 3.2. It, therefore, presents the cumulative number of felony crimes committed by undocumented immigrants for the period 1987-1990.

Table 3.16 presents the type of attorney used by undocumented immigrants accused of felonies during 1990. The Office of the District Attorney has indicated that the single best indicator of defense attorney type for an entire felony case is at the readiness conference stage because almost all defendants go through this stage, and

those who change defense counsel generally have done so previously--in particular, after their arraignment. Therefore, Table 3.16 utilizes the stages of Superior Court readiness and Municipal Court readiness as the best indicator stages for determining attorney type. It is significant to note that 94% of all undocumented immigrant felony cases utilize legal defense at County cost. The general population uses the public defender in 91.5% of all felony cases, compared to only 72.8% for undocumented immigrants.¹³ However, within the population of undocumented immigrant defendants, there is a significantly larger proportion of Alternate Public Defender cases than the general population of felony cases (21.2% undocumented vs. 5.0% general population), and there is a smaller proportion of Alternate Defense Counsel cases among the undocumented (0.0%) than the general population (3.5%).

Table 3.15

Felony Crimes Committed by Undocumented Immigrants
(cumulative 1987-1990)

Felony Crimes	#	%
Homicide	44	0.9
Forcible Rape	26	0.6
Robbery	251	5.2
Assault	162	3.4
Burglary	1,035	21.6
Theft	1,246	26.0
Drug Offenses	1,254	26.2
Other	770	16.1
Total	4,788	100.0

Source: San Diego County Office of the District Attorney

¹³Provided by Ernie Cardoza, San Diego County Office of the Public Defender.

Table 3.16

Undocumented Immigrant Defense Attorney Type
at the Time of Readiness Conference
(Felonies - 1990)

Defense Attorney Type	#	%
Private Retained	59	3.6
County Public Defender	1,201	72.8
Alternate County Public Defender (Office of Conflicts)	350	21.2
Alternate Defense Counsel	1	0.0
Pro Per (Self Defended)	0	0.0
No Defense Counsel Utilized	40	2.4
Total	1,651	100.0

Source: San Diego County Office of the District Attorney

Table 3.17 projects the distribution of undocumented immigrant felony crimes from Table 3.15 onto the predicted 2,968 current felony cases and shows that it can be expected, for instance, that there are currently 27 homicide cases among undocumented defendants and 772 theft cases.

Table 3.18 projects the cost of undocumented immigrant public legal defense by applying the percentages of legal defense type from Table 3.16 to the number of crimes committed in Table 3.17. The resultant number of cases by crime being defended publicly is then multiplied by the unit cost of such defense as provided by the San Diego County Office of the Public Defender and the San Diego County Alternate Public Defender in order to yield the total County cost of defending undocumented immigrant felony cases of \$1,866,990.

With regard to misdemeanors, out of the 83,383 total misdemeanor cases issued in 1990, there were 27,427 readiness appearances by public defenders. Prorating to the 13,059 estimated current undocumented immigrant misdemeanor cases, it can be expected, therefore, that

Table 3.17

Distribution of Undocumented Immigrant Felony Crimes
for Currently Predicted Cases

Felony Crime	#	%
Homicide	27	0.9
Forcible Rape	18	0.6
Robbery	154	5.2
Assault	101	3.4
Burglary	641	21.6
Theft	772	26.0
Drug Offense	777	26.2
Other	478	16.1
Total	2,968	100.0

Source: San Diego County Office of the District Attorney

there will be 4,296 undocumented immigrant misdemeanor readiness conferences attended by public defenders. At a cost of \$91.30 per misdemeanor,¹⁴ the total public defense cost concerning misdemeanors for undocumented immigrants is \$392,225, for a total public defense cost concerning undocumented immigrants of \$2,259,215 (\$1,866,990 for felony cases + \$392,225 for misdemeanor cases).

Combining the costs of legal prosecution and legal defense for undocumented immigrant defendants yields a total of \$18,659,312 (\$16,400,097 District Attorney prosecution plus \$2,259,215 public defense).

¹⁴Unit cost provided by Ernie Cardoza, San Diego County Office of the Public Defender.

Table 3.18
Projected Cost of Public Legal Defense by Type of Crime for Undocumented Immigrants
(Felonies)

	Type of Legal Defense						Total Public Legal Defense Cost
	County Public Defender			Alternate Public Defender			
	#	Unit Cost	Total Cost	#	Unit Cost	Total Cost	
<u>Type of Crime</u>							
Homicide	20	\$8,521.74	\$ 170,435	6	\$864.00	\$ 5,184	\$ 175,619
Forcible Rape	13	1,065.22	13,848	4	864.00	3,456	17,304
Robbery	112	1,065.22	119,305	32	864.00	27,648	146,953
Assault	73	1,065.22	77,761	21	864.00	18,144	95,905
Burglary	467	532.61	248,729	136	864.00	117,504	366,233
Theft	562	532.61	299,327	164	864.00	141,696	441,023
Drug Offenses	566	532.61	301,457	165	864.00	142,560	444,017
Other	348	266.30	92,672	101	864.00	87,264	179,936
Total	2,161		1,323,534	629		543,456	\$1,866,990

Source: Unit cost figures provided by the San Diego County Office of the Public Defender and the Alternate Public Defender

Correctional System

If the defendant is found to be guilty of one or more of the charged crimes, the court pronounces sentence. At this time, the convicted individual becomes a part of the correctional system. The correctional system consists of State prison for sentences of more than one year in custody, County jails for sentences of less than one year, County operated juvenile detention facilities for youths under 18 years of age, and County probation facilities for adult convicts considered to be less of a threat to society and not meriting incarceration with more dangerous individuals. Those defendants not sentenced to any correctional facility are given probationary terms which they serve on a home/furlough basis. Once released from jail or prison, the former inmate is generally monitored by County Probation Officers or State Parole Officers (whichever is applicable); however, in the case of undocumented immigrants, these individuals are released immediately to the United States Immigration and Naturalization Service and thereby incur no further local or State cost until such time as the terms of probation or parole are violated or a new crime is committed.

Methodology

As with the judicial system, it is considered most appropriate, within the time constraints of this study, to apply historical sentencing and standard incarceration and probation/parole costs to the estimates of current cases (2,968 undocumented immigrant felony cases and 13,059 undocumented immigrant misdemeanor cases) in order to develop an annual undocumented immigrant cost estimate as it pertains to the correctional system. Hence, the methodological approach regarding the correctional system closely parallels the approach applied to the judicial system.

Findings

The four year historical analysis of felony cases issued by the District Attorney is portrayed in Table 3.19 in terms of type of sentences imposed upon convicted undocumented immigrant felons during the years 1987-1990.

Table 3.19

Type of Sentence (Felonies) for Convicted Undocumented Immigrants
1987-1990

Type of Sentence	1987		1988		1989		1990		Total	
	#	%	#	%	#	%	#	%	#	%
Probation Only	481	62.5	526	62.7	530	60.2	590	62.2	2,127	61.9
3 years or less	41	5.3	46	5.5	25	2.8	41	4.3	153	4.5
Other	19	2.5	13	1.5	4	0.5	6	0.6	42	1.2
Jail Without Probation										
Under 90 days	4	0.5	10	1.2	1	0.1	8	0.9	23	0.7
90 days and over	17	2.2	14	1.7	12	1.4	6	0.6	49	1.4
Jail with Probation	0	0.0	0	0.0	1	0.1	1	0.1	2	-
Prison Without Probation										
1 and less than 2 yrs	31	4.1	38	4.5	64	7.3	38	4.0	171	5.0
2 and less than 5 yrs	155	20.1	174	20.7	221	25.1	232	24.5	782	22.7
5 years and more	17	2.2	18	2.2	21	2.4	26	2.7	82	2.4
Prison with Probation	4	0.5	0	0.0	1	0.1	1	0.1	6	0.2
Life Imprisonment	1	0.1	0	0.0	0	0.0	0	0.0	1	0.0
Death Sentence	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	770	100.0	839	100.0	880	100.0	949	100.0	3,438	100.0

Source: San Diego County Office of the District Attorney

Overall, during the four years, 3,438 undocumented immigrants (out of a total of 4,788 cases issued) were determined to be guilty and were sentenced. This represents a 71.8% guilty rate. Of those sentenced, approximately one-third of the undocumented immigrants received jail or prison time.

It can be expected, therefore, that 71.8% of the current predicted undocumented immigrant cases of 2,968 also will be found guilty and sentenced. That is to say, currently, 2,131 undocumented immigrant felons can be expected to enter the correctional system and can be expected to be sentenced. Table 3.20 portrays the projection of sentencing for current undocumented immigrant cases based upon the historical data from Table 3.19.

Probation Department Investigations: Upon conviction, and prior to sentencing, the probation department prepares an investigative report at a cost of \$888¹⁵ per felon, recoverable from the convicted person. According to the San Diego County Probation Department, this sum is virtually never collected from convicted undocumented persons. As such, the County incurs \$1,892,328 annually for these reports concerning undocumented immigrant felons (\$888 x 2131 felons).

Table 3.21 depicts the distribution of sentences for general population misdemeanor cases during 1987-1990. The total number of sentences represents 54.4% of all misdemeanor cases issued (161,158 sentences out of 296,400 issued misdemeanor cases). Extrapolating to the current predicted number of undocumented misdemeanor cases of 13,059, it can be determined that 7,104 undocumented immigrants will be sentenced for misdemeanor crimes, of whom only 477 are expected to receive jail time (Table 3.21). The cost of the Probation Department's misdemeanor investigative report is \$444 per report, for a total undocumented immigrant misdemeanor cost of \$3,154,176 (\$444 x 7,104 convicted misdemeanors). Therefore, the total cost of Probation Department investigative reports for both felonies and misdemeanors is \$5,046,504 (\$1,892,328 felonies + \$3,154,176 misdemeanors).

¹⁵Wanda Flood of the San Diego County Probation Department provided cost information.

Table 3.20

Projected Sentence Length for Current Undocumented
Immigrant Felony Cases Issued

Type of Sentence	#	%
Probation Only:		
3 years or less	1,319	61.9
3-5 years	95	4.5
Other	26	1.2
Jail Without Probation:		
Under 90 days	15	0.7
90 days and over	30	1.4
Jail with Probation	0	0.0
Prison Without Probation:		
1 and less than 2 years	107	5.0
2 and less than 5 years	484	22.7
5 years and more	51	2.4
Prison with Probation	4	0.2
Life Imprisonment	0	0.0
Death Sentence	0	0.0
Total	2,131	100.0

Adult Incarceration Costs: The investigative report having been prepared, the next step in the correctional process is the implementation of the sentence. Those undocumented immigrants sentenced to probation only are released to the U.S. Immigration and Naturalization Service and no longer incur local correctional expenses. Those who are not sentenced to probation only are sentenced to jail or prison terms and can be expected to receive sentences in accordance with Tables 3.20 and 3.21.

It should be noted, however, that sentence length imposed and sentence actually served are two entirely different periods of time. Those inmates who are sentenced to State prison generally serve one-half of the amount of

Table 3.21

Type of Sentence for All Convicted Misdemeanor Cases
for General Population Cumulative, 1987-1990 and
Projected Current Undocumented Immigrant Cases

Type of Sentence	General Population		Undocumented Immigrants	
	#	%	#	%
Probation Only:				
3 years or less	99,334	61.7	4,383	61.7
3-5 years	30,055	18.7	1,328	18.7
Other	20,868	12.9	916	12.9
Jail without Probation:				
Under 90 days	5,348	3.3	235	3.3
90 days and over	5,373	3.3	235	3.3
Jail with Probation	105	0.1	7	0.1
Prison without Probation:				
1 and less than 2 years	20	0.0	0	0.0
2 and less than 5 years	38	0.0	0	0.0
5 years and more	1	0.0	0	0.0
Prison with Probation	16	0.0	0	0.0
Total	161,158	100.0	7,104	100.0

Source: San Diego County Office of the District Attorney

time sentenced.¹⁶ Those who are sentenced to County jail serve their full term reduced as follows:

- a. Maximum "Good and Work Time" is one-third off the original sentence.
- b. Per Court Order, an automatic 10% "administrative" reduction of sentence is deducted because of current overcrowded conditions.
- c. According to Penal Code 4024.1, another 10% (up to 5 days) is to be credited.
- d. Pursuant to Penal Code 4018.6, another 3 days is allowed.¹⁷

To illustrate the jail reduction in time, a 180 day sentence is reduced by 60 days for "good and work" time, 18 days for the "administrative" reduction, and another 8 days for the two penal codes. This represents a total reduction of 86 days. Thus, the person will serve approximately 94 days of the 180 day sentence.

Table 3.22 is a cost summary derived from Tables 3.20 and 3.21. It identifies the mean sentence length within the categories of Tables 3.20 and 3.21. It further demonstrates the actual time likely to be served for felonies and misdemeanors rather than the formal sentence length pronounced. Table 3.22 applies unit costs per day to the number of current undocumented immigrant felony and misdemeanor cases expected to be sentenced. The total annual incarceration cost of current cases expected to be sentenced is \$15,597,517.

Table 3.22 projects only annual costs for those undocumented immigrants currently entering the correctional system. There are additional costs, therefore, incurred by those undocumented immigrants currently serving terms longer than one year and whose costs are not reflected in Table 3.22.

¹⁶Ralph Stanford, California State Department of Correction.

¹⁷Information provided by the Office of the San Diego County Sheriff.

Table 3.22

Sentence Length Likely to Be Served by Undocumented Immigrants
(Felonies and Misdemeanors)

Sentence Length	Estimated Mean Sentence Length	Predicted Time Actually Served	Number of Persons Sentenced			Unit Cost Per Day of Incarceration	Total Annual Cost of Incarceration
			Felonies (Table 3.20)	Misdemeanors (Table 3.21)	Total		
Jail without Probation Under 90 days and over	42 days	42 days ^(a)	15	235	250	\$58.58	\$ 615,090
Jail with Probation	259 days	140 days	30	235	265	58.58	2,118,634 ^(b)
Prison without Probation	125 days	64 days	0	7	7	58.58	26,244
Prison with Probation	1.5 years 3.5 years 7.8 years	274 days 639 days 1424 days	107 484 51	0 0 0	107 484 51	56.79 56.79 56.79	1,664,969 10,032,521 ^(c) 1,057,146 ^(c)
Total	2.0 years	365 days	4	0	4	56.79	82,913
							\$15,597,517

^(a)The normal time served in jail prior to sentencing is 60-90 days. Hence, it is assumed in this analysis that all sentences of 90 days and less are "time served" prior to disposition and are, therefore, not subject to the reduction formula outlined above.

^(b)A very few cases are held at the County's Descanso medium security facility or at one of several minimum security camps. A one day study (January 24, 1992) found 70 such undocumented individuals in the County's facilities. At a daily cost of \$53 per inmate, the initial cost difference between Descanso and the Sheriff Department's jail cost of \$58.58 is \$54,684 for the 70 inmates so detained. This reduction is reflected in the total cost column.

^(c)Annual cost of incarceration covers 365 days only, regardless of sentence length. See text for discussion of additional costs beyond one year.

Those individuals to be sentenced for periods longer than one year under the current projections will incur an additional 511 person-years of prison years beyond the single year served. The 511 person-years is derived from the 484 felons serving an additional .75 years (639 days is .75 years greater than one year) plus the 51 felons serving an additional 2.9 years (1,424 days is 2.9 years greater than one year). Assuming similar patterns in the past to have persisted, it can be estimated from this "snapshot in time" that there are 511 carryover person-years for current undocumented immigrant inmates serving more than one year, costing the State annually an additional \$10,592,187 (511 person-years x \$56.79 per day x 365 days per year).

Further costs of incarceration are incurred by the County for cases which were issued and later settled, dismissed, or fought to a verdict of not guilty. Each of these scenarios carries with it some time spent in jail. Release may occur one day after arrest or after proceeding all the way to trial. Sentence length data do not address these cases. Given the preponderance of misdemeanors vis-à-vis felonies and the tendency for misdemeanors to be released relatively quickly, a fair estimate of the average stay is contained within SANDAG's report *Crime in the San Diego Region, 1991*, and identified as the average jail stay for unsentenced inmates to be 3.2 days. Table 3.22 includes 2,131 felony cases and 477 misdemeanor cases, leaving 837 felony cases and 12,582 misdemeanor cases unsentenced. At an average jail stay of 3.2 days, the total cost for these individuals is \$2,515,472.

In sum, the total cost of incarcerating undocumented immigrants, both sentenced and unsentenced, is \$28,705,176 --\$15,597,517 current case annual costs, \$10,592,187 annual cost for continuing inmates, and \$2,515,472 for unsentenced cases issued. Following the completion of the sentence, and upon release, inmates frequently are subject to probation (jails) or parole (prisons). In the case of undocumented immigrants, their probation or parole consists of being released to the INS and they are no longer the object of State and local responsibility. Hence, correctional expenses virtually cease with the release of the undocumented inmate, leaving the total at \$28,705,176.

Juvenile Justice System

When a juvenile undocumented immigrant is arrested, he or she is brought to Juvenile Hall for a 72 hour review period. The District Attorney's office must determine within that period whether or not the charges are worth prosecuting. If it is determined that prosecution is in order, then a detention hearing is held at which time the District Attorney's petition for "binding over" is heard. Approximately 2 weeks later, a readiness hearing is used to determine whether the matter should be set for trial or should be plead out. In cases involving undocumented juveniles, the readiness hearing is generally held not only to set the matter for trial, but also to establish the ultimate disposition of the case at the same time.¹⁸ At this readiness/disposition hearing, an investigative report prepared by the Probation Department is to be considered and the juvenile is provided court ordered defense counsel.

A guilty verdict usually results in the court's placing the undocumented minor on probation to the court for 1 year. Immediately, however, the juvenile is either released directly to the INS or to the Border Youth Project--a joint venture of the San Diego County Probation Department and Juvenile Court and the Mexican juvenile authorities.

In 1989, 312 undocumented juveniles, all of whom claimed to be Mexican citizens, were referred to the Probation Department by law enforcement. These individuals had been arrested for State Penal Code violations, most frequently petty theft, auto theft, burglary, and drug charges. The most common age provided by the juvenile was 17, although it was suspected by probation officers that many were actually of adult age.¹⁹ In 1991, 405 undocumented juveniles were brought to Juvenile Hall.²⁰ Of the 405 youths brought to Juvenile Hall in 1991, 19 (4.7%) were released to INS within the 72 hour review period (average stay approximately 2 days plus one business day

¹⁸Doug Willingham, San Diego County Office of Juvenile Probation

¹⁹*Ibid.*

²⁰Sandra Grimsley, Detention Processing Supervisor, San Diego County Probation Department.

for delivery to INS.²¹ Approximately 95% of the 1991 juveniles (386) were detained for prosecution and remained in Juvenile Hall for approximately 20 days. The costs incurred by the County in 1991 are detailed in Table 3.23. A total of \$1,434,080 is expended annually on juvenile undocumented immigrants by San Diego County.

Summary

Table 3.24 summarizes the annual State and local public costs incurred through the criminal justice system in San Diego County for undocumented immigrants. The total of all law enforcement, judicial system, and correctional system costs for undocumented immigrant adults and juveniles is \$105,754,121.

²¹Linda Duffy, San Diego County Probation Department.

Table 3.23

Cost of Undocumented Immigrants
on Juvenile Justice System

Type of Cost	1991 Cases	1991 Unit Cost	Total Cost
Cost of Detention			
Prosecuted (20 days)	386	\$ 58 ^(a)	\$447,760
Not Prosecuted (3 days)	19	58 ^(a)	3,306
District Attorney Petition	386	303 ^(b)	116,958
Probation Department Investigation	386	615 ^(c)	237,390
Court Costs	386	860 ^(b)	331,960
Defense Attorneys	386	571 ^(d)	220,406
Border Youth Project	-	-	76,300 ^(e)
1991 Undocumented Juvenile Cost			\$1,434,080

^(a)Sandra Grimsley, Detention Processing Supervisor, San Diego County Probation Department.

^(b)Mike Roddy, Superior Court Administrator (Costs provided for 1989 plus 7% inflation factor to 1991).

^(c)Doug Willingham, Office of Juvenile Probation (1989 costs increased by 7% inflation factor to 1991).

^(d)Unit cost provided by Ernie Cardoza, Office of the San Diego County Public Defender.

^(e)Al Ceyala, San Diego County Border Youth Project.

Table 3.24

Total Annual State and Local Criminal Justice Costs
for Undocumented Immigrants
in San Diego County

Criminal Justice System Component	Cost
Law Enforcement	\$45,016,596
Judicial System	
Courts - Felonies	\$ 3,733,732
Courts - Misdemeanors	<u>3,158,721</u>
Total Court Costs	6,892,453
Legal Prosecution - District Attorney	16,400,097
Legal Defense	<u>2,259,215</u>
Total Attorney Costs	18,659,312
Correctional System	
Probation Department Investigations	5,046,504
Adult Incarceration Costs	
Current Year Sentences	15,597,517
Carryover of Existing Inmates	10,592,187
Unsentenced Jail Stays	<u>2,515,472</u>
Total Adult Incarceration	28,705,176
Juvenile Justice	1,434,080
Total	\$105,754,121

CHAPTER 4

THE COST OF PROVIDING HEALTH SERVICES FOR UNDOCUMENTED IMMIGRANTS

A major component of public expenditures in San Diego County associated with providing services to undocumented immigrants relates to the delivery of health services. Figure 4.1 portrays those health delivery programs which provide significant services to the undocumented immigrant population.

Existing studies indicate that immigrants, both documented and undocumented, tend to underutilize health services--particularly preventive services. Immigrants, especially the undocumented, do, however, utilize hospitals and clinics as their primary source of health care.¹

Data from these studies show a diversity within the immigrant population in terms of their varied utilization of health services. Lone male immigrants in the United States are typically young and healthy and are not likely to utilize the conventional health care system unless emergency care is needed. The heavier users of conventional health services among the immigrant population tend to be whole family units which settle on a relatively long-term basis in the United States. The migrant and undocumented immigrant surveys (Chapter 2) indicate, however, that such whole family units are not a significant portion of the undocumented immigrant population of San Diego County. Generally, undocumented immigrants seek their care from clinics or neglect their health problems until they require care from a hospital emergency room.

Undocumented immigrants receive public health care through various programs of the San Diego County Department

¹Leo R. Chavez, Wayne A. Cornelius, and Oliver William Jones, "Mexican Immigrants and the Utilization of U.S. Health Services: The Case of San Diego," *Social Science Medicine*, Vol. 21, No. 1, p. 93.

Figure 4.1

Health Delivery Programs Which Provide Significant
Services to Undocumented Immigrants

Health Delivery Programs

- State of California
 - Department of Health Services
 - Medi-Cal
 - County of San Diego
 - Department of Health Services
 - Physical Health Services
 - County Patient Support Services
(University of California, San Diego Medical Center)
 - Primary Care Services (Community Clinics)
 - Public Health Services (including contracts with private health professionals funded directly by the State)
 - Tuberculosis Testing and Treatment
 - Immunizations
 - Sexually Transmitted Diseases (including AIDS)
 - Preventive Child Health Care
 - Family Planning (including Maternal Health Care and Anti-smoking)
 - Various Cities and Special Districts
 - Paramedic Services
-

of Health Services and the State of California. These local and State funded programs are delivered through private and public health care facilities such as hospitals and community and public health clinics. To a lesser extent, the public also incurs health care costs associated with the provision of paramedic services. This chapter will provide an estimate of the costs to local and State governments of providing health services to undocumented immigrants.

Health Delivery Programs

Publicly funded programs through private hospitals and public health and community clinics receive revenue from a variety of sources. Public revenue is received from the State of California, San Diego County and the federal government. A brief description of the most significant State and local programs is provided in this section.

State of California Health Services

The State of California's primary contribution to public health services is through the Medi-Cal program--California's version of the federal Medicaid program which provides health benefits to low-income patients. Medi-Cal is funded 50% by the State and 50% by the federal government.²

Upon arrival at a hospital, patients are interviewed to determine how they will pay for medical treatment. Individuals without private insurance or the ability to pay may be eligible for Medi-Cal. Undocumented immigrants are eligible for "restricted Medi-Cal benefits" which cover services to treat emergency medical conditions and pregnancy related needs. To be eligible for such Medi-Cal benefits, the patient must be a California resident; but residency is defined to include "an alien who lacks a document from INS (the United States Immigration and Naturalization Service) or an order issued by a District Director of INS, the Executive Office of Immigration Review, or a federal court that serves as reasonable evidence of satisfactory immigration status."³

²Actual expenditures have been approximately 53% State and 47% federal because the federal government has not been paying for prenatal care. Recent court decisions, however, have led the State to expect a return to the 50/50 distribution. (Telephone interview with Neil Throckmorton, Chief of Fiscal Forecasting, California Department of Health Services)

³Section 50302, "Restricted Medi-Cal Benefits for Certain Aliens," *Barclay's California Code of Regulations*, p. 344.

San Diego County Health Services

The San Diego County Department of Health Services is comprised of five major health delivery services:

- Alcohol and Drug Services
- Environmental Health Services
- Mental Health Services
- Physical Health Services
- Public Health Services

Alcohol and Drug Services plans, develops, administers, and evaluates services with private, nonprofit community based agencies in order to prevent and treat problems associated with drug and alcohol abuse. Environmental Health Services protects the County's population from disease and illness that can result from environmental health hazards. Mental Health Services provides a variety of treatment programs throughout the County through both County-operated programs and private contractors. Undocumented immigrants use relatively few of the services offered through these three programs. They use the remaining two County programs--Physical Health Services and Public Health Services--to a much greater degree.

Physical Health Services: Physical Health Services administers six programs and operates one skilled nursing facility. These six programs are as follows:

- Correctional Facilities Medical Services--medical and dental services for Social Service and Probation Department protective institutions;
- County Medical Services--physical health services to medically indigent adult residents;
- County Patient Support Services--hospital services through University of California, San Diego Medical Center which would generally be provided by a County owned hospital were one to exist in San Diego County;

- Emergency Medical Services--regulatory agency for the County's emergency medical services system, in particular, paramedic and ambulance systems;
- Immigrant Health Development Services--provides services to legal immigrant residents through the Immigration Reform and Control Act [IRCA] and its accompanying federal funding mechanism--State Legalization Impact Assistance Grant [SLIAG]; and
- Primary Care Service--primary health care through community clinics and community nursing services for working poor residents not meeting eligibility requirements of other subsidized medical programs or private health care providers.

Counties within the State of California have traditionally had the primary responsibility for the delivery of medical services to indigent residents. The California Welfare and Institutions Code Section 17000 states that:

Every county and every city and county shall relieve and support all incompetent, poor, indigent persons and those incapacitated by age, disease, or accident, lawfully resident therein, where such persons are not supported . . . by their relatives or friends, by their own means, or by state hospitals or other state or private institutions.

San Diego County owned and operated a county hospital until 1966 in fulfillment of its Section 17000 responsibility. With the advent of a new medical school at the University of California, San Diego (UCSD) and the emergence of Medicaid, the County Board of Supervisors decided to lease its hospital facility to the UCSD Medical Center. Under the lease arrangement the UCSD Medical Center assumed responsibility for providing care to indigent residents. Thus, the County's Section 17000 responsibility is fulfilled by direct, fixed price payments to the University of California, San Diego Medical Center for care to persons not qualifying for federal or State programs. Subsequent to the County's agreement with the UCSD Medical Center, questions arose as to whether undocumented residents were to be included in this arrangement.

In 1987, the Attorney General's Office of the State of California declared that:

Section 244(f) of the Government Code specifically provides that residence can be changed only by the union of act and intent. As discussed in 62 Ops. Cal. Atty. Gen. 70,74, the undocumented alien may intend to remain but he or she lacks the capacity to remain, absent external constraints. Undocumented aliens are unable to meet the residence requirement by the simple fact that they are subject to arrest and deportation.

It was the opinion of the Attorney General that an undocumented person was not a resident of the State and, therefore, could not be the recipient of services financed under Section 17000, except at the discretion of County Boards of Supervisors, which was in fact granted in San Diego County soon thereafter.

Public Health Services: The other major County program providing services to undocumented immigrants is Public Health Services. Public Health Services is responsible for the promotion of health and the prevention of disease, and its services are provided through seven public health centers which include the following functions:

- identification, prevention, and control of communicable diseases such as sexually transmitted diseases, tuberculosis, and other vaccine preventable diseases
- provision of maternal and child health related services
- promotion of public health education
- performance of diagnostic laboratory testing for epidemiological investigations
- provision of public health nursing for various programs in each of the seven public health centers and in community settings.

Methodology

The initial step in the derivation of a methodological approach to estimating the public costs associated with providing health services was to determine which of the programs maintain information which would facilitate ascertaining, with reasonable accuracy, the amount or proportion of their total budget allocable to undocumented immigrants.

Two programs maintain records identifying services provided to undocumented immigrants. Medi-Cal and County Patient Support Services (UCSD Medical Center) have such readily available records.

Alternative methodologies were devised for those programs not maintaining adequate records with regard to undocumented immigrants. The first methodological approach was developed for those services considered to be primary health delivery systems and that are specifically prohibited from soliciting information regarding a patient's resident status. It is well established public policy that the health of the general population be maintained. This becomes particularly important with regard to such health related issues as communicable diseases. Hence, it is in the interest of the general health, safety and welfare of the County's population that no one be discouraged from obtaining certain health services nor be denied receipt of such services when needing them. Therefore, potentially intimidating residential status information is not obtained from patients utilizing Primary Care Services (community clinics), Tuberculosis Testing, Immunizations, Sexually Transmitted Diseases, Family Planning, and Preventive Child Health Care.

Because of the sensitivity associated with these programs and the strong public interest in not discouraging anyone from availing themselves of these services, firsthand data gathering for this study was not feasible. It has been established that undocumented immigrants tend to use clinics and hospitals, especially for emergencies, when they require health services. According to Chavez, Cornelius, and Jones, "The medically indigent, those without insurance and not eligible for government sponsored programs, or unwilling to apply for such programs (the undocumented), will seek care from clinics which offer special payment arrangements or they will neglect their

health problems until they require care from a hospital emergency room."⁴ Clinic usage data are not available. Therefore, this study captures emergency room usage information obtained from San Diego County hospitals. It was concluded by this study's researchers that this usage rate would be the single best obtainable estimate of the overall proportion of health care services consumed by undocumented immigrants. This assertion was endorsed by key representatives of the San Diego County Department of Health Services and by representatives of San Diego County community clinics.

With regard to non-emergency services (e.g., preventive care such as vaccinations and check-ups), Chavez, Cornelius, and Jones present empirical evidence indicating that undocumented immigrants use private health care less frequently than they do clinics. They found only 21.0%-37.7% of the undocumented immigrants to have visited a United States doctor.⁵ They also found between 13.7% and 37.0% of undocumented immigrants using United States based hospitals--depending upon the nature of the illness involved--and that 35.8%-57.8% used United States local clinics. Moreover, the migrant and undocumented immigrant surveys discussed in Chapter 2 indicated that only 27.2% of the respondents had ever visited a United States doctor. This finding is consistent with a study of North San Diego County migrant camps by Dr. Gilberto Munoz, quoted by Claudia Smith, Regional Counsel, California Rural Legal Assistance, as follows: "46% of those surveyed said they return to Mexico in need of treatment."⁶

Since emergency room services reflect the overall usage of health services among undocumented immigrants, their utilization of public and private health care clinics must be correspondingly higher than their overall medical service utilization rate in order to counterbalance their low degree of other private health care usage--a conclusion very much in line with the findings of Chavez, et al.

⁴Chavez et al., p. 101.

⁵Chavez, et al., p. 98.

⁶Claudia Smith, letter to Rea & Parker, Incorporated, June 19, 1992.

As discussed above, adequate information is not maintained by resident status for most health care clinics. Consequently, this study's primary methodological approach for determining the proportion of undocumented immigrant usage of public health services and community clinics is derived by comparing San Diego County hospitals' emergency room usage by undocumented immigrants to San Diego County hospitals' non-emergency usage rates for this population. Adjustments to these rates can then be made to estimate the higher usage rates of clinic services among undocumented immigrants.

The second methodological approach applies to the provision of publicly funded paramedic services to undocumented immigrants. Some paramedic services operate totally through private funding by the patients; others are at least partially funded by public services. Inasmuch as there is a direct correlation between paramedic services and the use of emergency rooms, the rate of emergency room usage among undocumented immigrants was used as the appropriate percentage to apply to that portion of paramedic services which are publicly funded.

Findings

The public cost estimates associated with providing health care services to undocumented immigrants are summarized in this section of the report. The presentation of the estimates will be by program as described in Figure 4.1, but will be divided into two subsections--those depending upon data from San Diego County hospitals and those for which existing data are considered adequate for further analysis.

San Diego County Hospital Survey

Through the cooperation of the Hospital Council of San Diego and Imperial Counties, all San Diego County hospitals were contacted in order to elicit their participation in compiling data concerning the use of hospital outpatient emergency and non-emergency services and inpatient services. Survey forms were sent to the Chief Executive Officer of each hospital. Follow-up calls were made within a few days of the initial mailing and continued for several months as necessary in order to achieve the highest possible rate of participation. Nine of the 22 San Diego

County hospitals participated in this study. These hospitals represent a satisfactory geographic distribution within the County--they are as follows:

- Community Hospital of Chula Vista
- Mercy Hospital and Medical Center (San Diego)
- Paradise Valley Hospital (National City)
- Scripps Memorial Hospital (Chula Vista)
- Scripps Memorial Hospital (Encinitas)
- Sharp Cabrillo Hospital (San Diego)
- Sharp Memorial Hospital (San Diego)
- Tri-City Medical Center (Oceanside)
- UCSD Medical Center (San Diego)

The study utilized two different reporting periods--a three-month period (June-August, 1991) representing the period when a large proportion of undocumented immigrants are presumably residing in the County and a one-month period (December, 1991) when undocumented immigrants are thought to be present in the County in lesser numbers. Table 4.1 depicts the total number of treat and release cases in outpatient emergency rooms and the percentage of total visits for outpatient non-emergency services attributed to undocumented immigrants by the various participating hospitals for the June-August, 1991 reporting period. Hospitals were instructed that, when it was unclear whether or not a patient was undocumented, they were to make a judgment based upon the following criteria:

- no social security number
- no United States driver's license
- no United States address
- no permanent employment

Table 4.1
Undocumented Immigrant Usage of Hospital Outpatient Services

Hospital	Emergency June - August, 1991		Non-Emergency June - August, 1991	
	All Patients	Undocumented Immigrant Patients	Percent Undocumented	All Patients
Community Hospital of Chula Vista	3,605	657	18.2%	4,882
Mercy Hospital and Medical Center (San Diego)	9,070	391	4.3%	14,770
Paradise Valley Hospital (National City)	6,702	725	10.8%	4,582
Scripps Memorial Hospital (Chula Vista)	8,327	841 ^(a)	10.1%	8,406
Scripps Memorial Hospital (Encinitas)	5,693	1,332 ^(a)	23.4%	5,707
Sharp Cabrillo Hospital (San Diego)	2,453	346	14.1%	4,321
Sharp Memorial Hospital (San Diego)	7,112	268	3.8%	9,689
Tri-City Medical Center (Oceanside)	11,321	265	2.3%	7,214
UCSD Medical Center (San Diego)	9,991	1,161	11.6%	50,974
TOTAL	64,274	5,986	9.3%	110,545
				2,784
				2.5%

^(a)The two Scripps Memorial Hospitals did not retain outpatient information for the June-August, 1991 reporting period which would permit them to identify undocumented immigrant patients. They, instead, conducted a study for April, 1992 in which they identified percentages of undocumented patients to be applied retroactively to the total patients seen during the reporting period.

As with the analysis of criminal justice related costs (Chapter 3), the use of social security numbers as a screening mechanism will tend to produce relatively low percentages of undocumented immigrants. This is because a number of undocumented immigrants possess and use false social security cards, as evidenced by the surveys reported in Chapter 2. Table 4.1 indicates that 9.3% of all patients treated in emergency rooms at the 9 participating hospitals were undocumented immigrants. It also shows that 2.5% of all non-emergency outpatient visits to the participating hospitals were undocumented immigrants.

The December, 1991 reporting period shows that undocumented immigrants utilized emergency outpatient services to a somewhat lesser degree than they did in the June-August, 1991 period. The December utilization rate was 7.2% in contrast to 9.3% for June to August. This result is not unexpected given the tendency for undocumented immigrants to leave the United States during the period for an average of 6 weeks (see Chapter 2). Applying the 9.3% utilization factor for 46 weeks and 7.2% for 6 weeks generates an annual emergency room usage factor of 9.1%. Similarly, non-emergency services are used less during December--1.8%, generating an annual non-emergency rate of 2.4%.

Undocumented Immigrant Public Health and Community Clinic Utilization Rate

The total number of outpatient, non-emergency hospital visits per year in San Diego County is 1,567,113. This number was calculated in the following manner. The State of California's Office of Statewide Health Planning and Development has determined that 2,066,346 visits were made on an outpatient emergency and non-emergency basis to hospitals in San Diego County and Imperial County during the period January - September, 1991. This annualizes to 2,755,121 outpatient visits. Approximately 10% (275,512) of these visits can be ascribed to Imperial County based upon total population and number of hospitals in each County, leaving 2,479,609 San Diego County visits. Of these visits, approximately 36.8% are assumed to be emergency visits, based upon the data from the hospital survey (64,274 emergency visits ÷ 174,819 total outpatient visits). Thus, the total number of emergency outpatient visits in San Diego County is estimated to be 912,496 (2,479,609 San Diego County hospital visits x 36.8% emergency proportion) per year, and by subtraction the

total number of non-emergency outpatient visits is 1,567,113.

Regarding community clinics and public health services, the annual number of community clinic visits was 682,955 in 1991⁷ and the total number of public health service visits was 455,544 in 1991.⁸ Therefore, during 1991, 1,138,499 visits were made for community clinic and public health services.

The determination of an Undocumented Immigrant Public Health Service and Community Clinic Utilization Rate is calculated in Figure 4.2 to be 18.3%. It is important to restate the meaning of this 18.3% utilization rate. In order to achieve an overall undocumented immigrant health care utilization rate of 9.1%, as indicated by the emergency room data from the hospital survey, the utilization of community clinics and public health services by undocumented immigrants must be 18.3% in order to compensate for their underutilization of non-emergency outpatient services from the private sector (2.4%). This 18.3% rate is strongly supported by the three month (June-August, 1991) analysis performed in conjunction with this study by the University of California, San Diego Medical Center. Their analysis found that 18.2% of their indigent treatment costs under their agreement with San Diego County were attributable to undocumented immigrants (see County Patient Support Services Section on page 100). It is also supported by the findings of Chavez, Cornelius, and Jones, who found that 13.7%-37.0% (mean percentage 25.4%) of undocumented immigrants used United States based hospitals and 35.8%-57.8% (mean percentage 46.8%) used United States based clinics. In the Chavez study, clinics were used nearly twice as frequently by undocumented immigrants as were hospitals (46.8%/25.4%)--just as the 18.3% Undocumented Immigrant Public Health Service and Community Clinic Utilization Rate is approximately twice as large as the Overall Undocumented Immigrant Utilization Rate of 9.1%.

⁷Malcolm Harleaux, of the Office of Statewide Health Planning and Development provided these data for community clinics and hospitals.

⁸Public Health Services, FY 1990-91, IHS Data Base.

Figure 4.2

Calculation of Undocumented Immigrant Public Health
and Community Clinic Utilization Rate

•	<u>Number of Annual Non-Emergency Medical Visits by Undocumented Immigrants:</u>	
	Total Hospital Outpatient, Non-Emergency Visits	1,567,113
	+ Total Community Clinic and Public Health Service Visits	+1,138,499
	Total Number of Annual Non-Emergency Medical Visits by Entire Population	2,705,612
	x Overall Undocumented Immigrant Utilization Rate	x 9.1%
	Number of Annual Non-Emergency Medical Visits by Undocumented Immigrants	246,211
•	<u>Number of Annual Non-emergency Medical Visits by Undocumented Immigrants to Private Hospitals:</u>	
	Total Hospital Outpatient, Non-Emergency Visits	1,567,113
	x Undocumented Immigrant Private Health Care Utilization Rate	x 2.4%
	Number of Annual Non-Emergency Medical Visits by Undocumented Immigrants to Private Hospitals	37,611
•	<u>Number of Annual Non-Emergency Medical Visits by Undocumented Immigrants to Public Health Service and Community Clinics:</u>	
	Number of Annual Non-Emergency Medical Visits by Undocumented Immigrants	246,211
	- Number of Annual Non-Emergency Medical Visits by Undocumented Immigrants to Private Hospitals	- 37,611
	Number of Annual Non-Emergency Medical Visits by Undocumented Immigrants to Public Health Service and Community Clinics	208,600
•	<u>Undocumented Immigrant Public Health Service and Community Clinic Utilization Rate:</u>	
	Number of Annual Non-Emergency Medical Visits by Undocumented Immigrants to Public Health Service and Community Clinics	208,600
	+ Total Community Clinic and Public Health Service Visits	+ 1,138,499
	Undocumented Immigrant Public Health Service and Community Clinic Utilization Rate	<u>18.3%</u>

Public Costs of Providing Health Services

This section will detail the costs associated with providing various health related programs to undocumented immigrants. It will do so with information provided about the program by the relevant agency when such information is available and considered to be accurate enough to accept as is or with minor adjustments. When the information is not considered adequate, costs are estimated by applying either the 18.3% Undocumented Immigrant Public Health Service and Community Clinic Utilization Rate or the 9.1% Overall Undocumented Immigrant Utilization Rate to annual budgets or cost data.

Medi-Cal: Undocumented immigrants are eligible for "restricted Medi-Cal benefits" which cover services to treat emergency medical conditions and pregnancy related needs. When an individual enters a hospital for treatment and is unable to pay for necessary services, an eligibility worker interviews the patient to determine the individual's eligibility under various programs. Privacy limitations imposed by the courts may limit the eligibility worker's ability to determine the documentation status of an individual seeking medical attention. In cases where an individual is specifically seeking restricted benefits and does not have a social security number or driver's license readily available, for instance, the Medi-Cal system automatically codes that person as undocumented. Under this classification scheme, Medi-Cal provided restricted benefits to 54,409 people in San Diego County during 1991 at a total cost of \$33,588,334. This amount, however, is an overestimate of the costs attributable to undocumented immigrants because the privacy limitations on the questions asked result in certain documented individuals being misclassified as undocumented.⁹ In order to measure the magnitude of this overestimation, the State submits restricted benefit claims to the federal government for reimbursement under SLIAG (the federal program for reimbursement of individuals documented under the 1986 Immigration Reform and Control Act--see Chapter 1). In

⁹The data and methodology used to determine the magnitude of the overestimate were derived from interviews with Harold Throckmorton, Chief, Fiscal Forecasting, California State Department of Health Services, and Frank Martucci, Eligibility Division, California State Department of Health Services.

1991, the total State amount allocated to undocumented immigrants under Medi-Cal restricted benefits was \$546,227,797, with San Diego County's percentage of this total equaling 6.1% ($\$33,588,334 \div \$546,227,797$). The federal government approved \$45.2 million of the State's total expenditures for SLIAG reimbursement--or 8.3% of all such charges. Applying the 8.3% reimbursement factor to San Diego's total Medi-Cal costs of \$33,588,334 yields an overestimate of undocumented immigrant costs of \$2,787,832. The total Medi-Cal costs in San Diego County for undocumented immigrants, therefore, is estimated to be \$30,800,502 ($\$33,588,334$ restricted benefits - \$2,787,832 SLIAG reimbursements), of which \$15,400,251 is the responsibility of the State of California (50%).

County Patient Support Services (UCSD Medical Center Agreement): Under the State of California Welfare and Institutions Code Section 17000, counties have primary responsibility for providing health care services to indigent residents. As detailed earlier in this chapter, the County of San Diego fulfills this obligation by means of a contractual agreement with the University of California, San Diego Medical Center. In 1991, San Diego County paid UCSD Medical Center \$10,146,248 for contractual services rendered.¹⁰

During the three-month study period, June-August, 1991, the County paid \$461,944 to UCSD Medical Center specifically for the treatment of undocumented immigrants. This annualizes to \$1,847,776 (18.2% of total service cost).

Primary Care Services (Community Clinics): As discussed above, undocumented immigrants make use of community clinics as primary care facilities. These clinics can be found throughout the County. They are not operated by San Diego County, but they are regulated by the County and must report regularly to the State. They are privately run, not for profit, services to the public. The State of California and the County of San Diego contributed \$15,034,984 (not including Medi-Cal) to the operations of

¹⁰Jan Spencely, University of California, San Diego Medical Center, Director of Government and Contract Relations.

the community clinics in the County in 1989.¹¹ Applying the 18.3% Undocumented Immigrant Public Health Service and Community Clinic Utilization Rate yields a public cost associated with providing community clinic health care services to undocumented immigrants of \$2,751,402.

Public Health Services: As delineated in Figure 4.1, County personnel identified 5 specific areas within the San Diego County Department of Public Health Services that provide the majority of services to undocumented immigrants. To reiterate, these areas are Tuberculosis Testing and Treatment, Immunizations, Sexually Transmitted Diseases (including AIDS), Preventive Child Health Care, and Family Planning (including Maternal Health Care and Anti-Smoking).

The County program budget does not identify individual programs consistent with this categorization scheme. Therefore, this study has undertaken to recategorize appropriate budgetary items into program areas and to identify federal reimbursements to the County (frequently via the State) in order to make certain that the total expenditures are limited to State and local governments.

Table 4.2 shows, for each program area, the total costs (federal, State, and County) associated with each program, the federal reimbursements, and the net cost to State and County governments. In addition, it identifies the cost applicable to undocumented immigrants, applying the 18.3% Undocumented Immigrant Public Health Service and Community Clinic Utilization Rate. As indicated in Table 4.2, the total net State and County cost of providing public health services to undocumented immigrants in San Diego County is \$5,707,817.

Much State funding for health services flows through the Medi-Cal program, community clinics, and the various County programs detailed in this section. However, the California Department of Health Services provides some direct payments to private deliverers of health services through various contracts (CBO's) written directly with the service providers. Three of the most significant of these

¹¹"Clinic Utilization Profiles--Statewide Summary, 1989," Office of Statewide Health Planning and Development.

Table 4.2

**Total Annual Cost of Public Health Service Programs for the
Overall Population and Undocumented Immigrants
(Fiscal Year 1990-91)**

Program	Total Cost	Federal Reimbursements	Net State and County Cost	Estimate of Undocumented Immigrant Cost (18.3%)
Sexually Transmitted Diseases and AIDS				
County	\$ 3,436,855	\$ 360,877	\$ 3,075,978	\$ 562,904
Private Contracts (State)	\$ 1,734,000	\$ 606,900	\$ 1,127,100	\$ 206,259
Tuberculosis Testing				
County	\$ 2,538,993	\$ 267,374	\$ 2,271,619	\$ 415,706
Immunizations				
County	\$ 1,511,300	\$ 392,906	\$ 1,118,394	\$ 204,666
Family Planning and Maternal Health				
County	\$ 6,979,337	\$1,452,840	\$ 5,526,497	\$1,011,349
Private Contracts (State)	\$ 6,694,200	\$1,392,394	\$ 5,301,806	\$ 970,231
Preventive Child Care				
County	\$ 5,725,425	\$ 973,228	\$ 4,752,197	\$ 869,652
Private Contracts (State)	\$12,025,000	\$4,008,334	\$ 8,016,666	\$1,467,050
TOTAL	\$40,645,110	\$9,454,853	\$31,190,257	\$5,707,817

direct contract categories relate to programs associated with AIDS, Preventive Child Care, and Family Planning.

The State executes approximately \$17 million in CBO contracts annually for AIDS programs.¹² Seven State AIDS programs (STD Clinics, Sentinel Surveillance, Drugs, Early Intervention, Alternate Test Sites, Education and Prevention, and Local Assistance Block Grants--Testing) were sampled to determine the portion of State contracts applicable to San Diego County. It was found that 10.2% of all State expenditures flow to San Diego County. Applying this percentage to the \$17,000,000 of CBO contracts yields \$1,734,000 annually (see Table 4.2). Approximately 35.0% of State AIDS grants are federally funded.¹³ Therefore, \$606,900 (35.0% x \$1,734,000) can be assumed to derive from federal sources.

Preventive Child Care expenditures on private CBO contracts include child care health screenings, with 185,000 of such screenings conducted annually in San Diego County. At an average cost of \$65 per screening,¹⁴ the total State expenditure is \$12,025,000, two-thirds of which are paid through the Medi-Cal program. Medi-Cal contributions of \$8,016,667 were received for this program, of which 50% (\$4,008,334) was federally funded. This Medi-Cal money derives from a program which differs from the restricted benefits program discussed above and, hence, does not involve any double counting of Medi-Cal funding. The resulting \$8,016,666 of net State cost (\$12,025,000 total expenditures--\$4,008,334 federal reimbursements) covers undocumented immigrants and other individuals not eligible for Medi-Cal (Table 4.2).

The third significant CBO expenditure pertains to Family Planning. According to the California State Department of Health Services, approximately 3,000 CBO's are currently in force throughout the State. However, the Department does not make any determination about the involvement of undocumented immigrants, the precise County involved, or the extent to which expenses are offset by federal reimbursements. To conduct individual analyses of

¹²Gary Benedict, California State Department of AIDS.

¹³*Ibid.*

¹⁴Phyllis Elkind, San Diego County Department of Health Services.

each of these State contracts is beyond the scope of this study. The researchers made a cursory examination of the list of such contracts, eliminated all contracts with County offices and community clinics (in order to avoid double counting) and all contracts pertaining to AIDS (also previously accounted for), and then totaled contracts identifiable as San Diego County contracts by the name of the contractor. Contracts in the amount of \$6,694,200 were found in the areas of Maternal and Infant Health and Tobacco Control (Anti-smoking); smaller contracts were found for Alzheimer's Disease and Sexually Transmitted Diseases, but these amounts were inconsequential. Assuming that the County's 20.8% federal reimbursement proportion also exists for the State's family planning programs,¹⁵ it can be tentatively concluded that another \$5,301,806 ($\$6,694,200$ [State expenditures] - $20.8\% \times 6,694,200$ [federal reimbursements]) is spent by the State in this category (Table 4.2).

Paramedic Services: Ambulance and emergency paramedic services in San Diego County are supplied by a wide variety of providers. Several fire protection agencies provide these services, as do private services. Furthermore, the military provides its own ambulance and paramedic services, UCSD operates Life Flight, and several large private employers, such as Rohr Industries and General Dynamics, furnish these services to their own employees.

Hartson Medical Services, a private paramedic and ambulance service, receives subsidies from several cities and the County in order to provide services at a reduced cost within certain communities.¹⁶ Also publicly funded are City fire departments and various fire protection agencies, which receive support from property and other special district taxes. Certain areas provide no subsidy to Hartson and have no fire department paramedic service. These communities rely upon their citizens to pay the full cost of private paramedic and ambulance services on an "as used" basis. The City of San Diego provides a direct subsidy to Hartson which amounts to \$2,030,644 for fiscal

¹⁵San Diego County spends \$6,979,337 on its family planning and maternal health programs annually (Table 4.2). Of this sum, \$1,452,840 is reimbursed by the federal government--or 20.8%.

¹⁶Thomas Morgan, President, Hartson Medical Services.

year 1991-92, and the City also owns the 35 ambulances and support vehicles used by Hartson within the City of San Diego. The City of San Marcos provides a \$129,000 subsidy to Hartson per year, owns the ambulance used in performance of the contract, and provides housing for the paramedic crew within the fire department budget at little or no incremental cost. The City of Imperial Beach provides a direct annual subsidy to Hartson of \$44,100.

An area of San Diego County is designated as County Service Area 17 (CSA-17) and includes Del Mar, Encinitas, Solana Beach, and Rancho Santa Fe. This district subsidizes Hartson with a direct payment of \$773,554 and the district also provides 7 vehicles used in the performance of the contract. The County further reimburses the four local fire departments in the amount of approximately \$50,000 to pay for maintenance and personnel.¹⁷ The total annual cost for CSA-17, therefore, is \$823,554.

Table 4.3 depicts the total public cost associated with providing ambulance/paramedic services in San Diego County. It includes the subsidies described above and the annual ambulance and paramedic budgets (net of capital expenditures) for the various fire protection districts and departments which provide ambulance/ paramedic services. It further identifies that portion of these costs allocable to undocumented immigrant patients by applying the 9.1% overall utilization rate to the directly correlated function of ambulance and paramedic service delivery. The total public cost of providing such services to undocumented immigrants is \$912,674.

Summary

Table 4.4 summarizes the results of the analyses contained within this chapter. It follows the format established in Figure 4.1 and indicates that the total annual public cost of health service delivery associated with undocumented immigrants is \$26,619,920.

¹⁷Dennis McCarten, San Diego County Emergency Medical Services.

Table 4.3

Total Annual Public Cost of Providing Paramedic/Ambulance Services to Undocumented Immigrants in San Diego County

Government Jurisdiction	Annual Operating Budget/Hartson Subsidy
City of San Diego	\$ 2,030,644
City of San Marcos	129,000
City of Imperial Beach	44,100
County Service Area 17 (Del Mar, Encinitas, Solana Beach, Rancho Santa Fe)	823,554
Borrego Springs Fire Protection District	249,332
Bostonia Fire Protection District	86,373 ^(a)
Carlsbad Fire Department	927,379
Coronado Fire Department	282,071 ^(a)
Crest Fire Protection District	9,000
El Cajon Fire Department	852,240
Escondido Fire Department	930,000
Lakeside Fire Protection District	582,526
North County Fire Protection District	812,463
Poway Fire Department	504,150
Ramona Fire Department	1,170,608
Santee Fire Department	595,940
Sycuan Fire Protection District	N/A ^(b)
Total Public Ambulance/Paramedic Costs	\$10,029,380
Undocumented Immigrant Overall Utilization Rate	x 9.1%
Public Cost of Ambulance/Paramedic Services to Undocumented Immigrants	<u>\$ 912,674</u>

^(a)The Coronado Fire Department and Bostonia Fire Protection District did not undertake to allocate their total budget between fire protection and ambulance service. These estimates, therefore, have utilized the average ambulance service proportion of the overall budgets for the other reporting districts (14.3%) as the best estimate for Coronado and Bostonia.

^(b)Sycuan Fire Protection District did not participate in the study at all. They did not respond to repeated requests for information. Since the Sycuan District is relatively small, the total in this table is not significantly affected by the absence of these data.

Beyond this finding, it is recommended that a more detailed study of the State's CBO contracts is warranted inasmuch as certain contractors could not be identified by county, their precise services were somewhat unclear, and there is no information readily accessible which indicates the extent of federal participation.

Table 4.4

Total Annual State and Local Public Costs of
Health Service Delivery to
Undocumented Immigrants

Program	Annual Cost
Health Services	
Medi-Cal Restricted Benefits	\$ 15,400,251
County Patient Support Services (UCSD Medical Center)	1,847,776
Community Clinics	2,751,402
County Public Health Services (including State contracts)	
Tuberculosis Testing and Treatment	415,706
Immunizations	204,666
Sexually Transmitted Diseases	769,163
Preventive Child Health Care	2,336,702
Family Planning	1,981,580
Paramedic Services	<u>912,674</u>
Total Health Delivery Cost	<u>\$26,619,920</u>

CHAPTER 5

THE COST OF PROVIDING PUBLIC EDUCATION FOR UNDOCUMENTED IMMIGRANTS

As the ethnic mix of immigration changed during the 1970s, the shift from European immigrants to Mexican, Central American, and Asian immigrants was accompanied by higher fertility rates. California's share of school-age children of immigrant parents has increased substantially as has its share of foreign-born children. It has been estimated that 16% of California's public school-age children are foreign-born immigrants.¹ Projections for the next 40 years show the Hispanic public school population increasing from 29% to 44% and the Asian population increasing from 7% to 16%. Blacks are expected to decline from 10% to 6%, with Whites (non-Hispanic) decreasing from 52% to 33%. Inasmuch as a certain proportion of immigrants will have entered the country without legal documentation and that they are entitled by law to a public education,² it is appropriate, as a part of this study, to estimate the State and local public costs associated with the provision of public education for undocumented immigrant children.

The benchmark judicial ruling concerning undocumented children and the provision of a public education is the 1982 U.S. Supreme Court case of Plyler v. Doe. In this case, undocumented residents of the State of Texas challenged the ruling of the Tyler Independent School District in Tyler, Texas. The school district had sought to deny enrollment to undocumented children in response to a Texas statute which authorized the withholding of State funds from any school district for the education of children not legally admitted into the United States. The Court held that "illegal aliens" were entitled to the protection of the Equal Protection Clause of the Fourteenth

¹California Tomorrow, *Crossing the Schoolhouse Border*, California Tomorrow, 1988, p. 12.

²Plyler v. Doe (102 S. Ct. 2382 [1982]).

Amendment. The Fourteenth Amendment provides that "no State shall . . . deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The Court ruled in Plyler v. Doe that "an alien is surely a 'person' in any ordinary sense of that term. Aliens, even aliens whose presence in the country is unlawful, have long been recognized as persons guaranteed due process of law by the Fifth and Fourteenth Amendments."

The court further ruled that the phrase

"'within its jurisdiction' in the Fourteenth Amendment thus does not detract from, but rather confirms, the understanding that the protection of the Fourteenth Amendment extends to anyone, citizen or stranger, who is subject to the laws of the State, and reaches into every corner of the State's territory. That a person's initial entry into a State or into the United States is unlawful and that he may, for that reason, be expelled cannot negate the simple fact of his presence within the State's territorial perimeter . . . and until he leaves the jurisdiction--either voluntarily or involuntarily in accordance with the Constitution and the laws of the United States--he is entitled to the equal protection of the laws that a State may choose to establish."

Although the Equal Protection Clause does recognize the State's right to treat people differently when not "similarly circumstanced," it imposes upon States the burden to demonstrate that dissimilar circumstantial classifications must be precisely tailored to serve a compelling public interest. In Plyler v. Doe, the Supreme Court ruled that education is a special government function of importance in order to preserve a "democratic system of government and to . . . maintain the fabric of our society." Hence, the Court would not recognize differential classifications of Equal Protection based on residential status because such classifications would be counter to the overriding public interest.

It was argued in Plyler v. Doe that the provision of educational services generates certain societal benefits such as a more productive work force and reduced likelihood of criminal behavior. To the extent that educating the undocumented population contributes to these benefits, the cost of their education is somewhat offset. However, it must also be noted that the undocumented population is

highly mobile and that education enhances their mobility. As such, any societal benefits derived from their education are likely to be highly diffused and not necessarily enjoyed within the jurisdiction that provided the education. This widespread, external nature of education is a primary rationale for federal government responsibility in funding education; however, State and local governments bear the heaviest responsibility in funding education.

This study focuses on undocumented immigrant children currently enrolled in Kindergarten through Grade 12 in accordance with the ruling of Plyler v. Doe and undocumented students enrolled in public higher education at San Diego State University and California State University-San Marcos. Whereas, undocumented immigrant students at San Diego State University and California State University-San Marcos receive State subsidies, those at the University of California and the community colleges do not. Accordingly, University of California and community college undocumented immigrant students are not included in this analysis.

The University of California no longer classifies undocumented students as residents under David Paul Bradford v. State of California. In the Bradford case, a Los Angeles County Superior Court ruled in 1990 that the University of California is required by the Education Code of the State to treat "undocumented and illegal aliens as nonresidents for tuition purposes," thereby effectively removing public subsidies from the higher education of undocumented immigrants at the University of California. In the ruling, the Court listed several of the State's interests in denying resident tuition status to undocumented students. These include:

- a) avoiding enhancing employment prospects for those to whom employment is forbidden by law.
- b) avoiding discrimination against citizens of sister states and aliens lawfully present.
- c) not subsidizing the university education of students whose parents, because of the risk of deportation if detected, are less likely to pay taxes.

While the Bradford case recognized the established rule that education is a substantial State interest, it stated,

"There is, of course, a significant difference between an elementary education and a university education."

California community colleges have also implemented Bradford as of January, 1992. The California State University system had planned to follow suit but the court has recently invoked a previous court ruling (Leticia A. v. University of California Regents and California State University Trustees, 1985) which granted resident status for tuition purposes to undocumented students after they had established California residence for one year, as with any other entering student.

Methodology

Fundamental to the study procedure is the means by which undocumented school children are to be identified and counted. There is little information concerning the number of immigrant children in California schools, documented or undocumented. School districts have typically refused to obtain information concerning resident status of their students because of various political and social considerations.

Despite this policy, census data provide detailed information regarding students' proficiency in English. Immigrant children are almost always deficient in the English language when they enter school.³ This is not to say that all immigrant children are English deficient; obviously, some immigrant children come to California with a working knowledge of English. It is only to indicate that, generally speaking, the population of students identified as Limited English Proficient (LEP) may well represent the single best available approximation of immigrants in the public schools.⁴

If a language other than English is spoken in the home, the child's English skills must be tested and a determination must be made as to whether the child is limited in English proficiency. This determination is based upon a standardized test. When the child's score on this test is below a certain percentile, he/she is

³California Tomorrow, p. 14.

⁴*Ibid.*, p. 14.

determined to be Limited English Proficient. Such deficiencies in the English language have been determined in the courts to effectively deny these children the ability to learn satisfactorily and has "foreclosed [them] from any meaningful education" when the only language of instruction is English.⁵

The U.S. Supreme Court ruled in the Lau v. Nichols case, brought about by Chinese students in San Francisco, that "Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the education program, he must already have acquired those basic skills is to make a mockery of public education."⁶ As such, the Court ordered the San Francisco School District to provide English language instruction to these students or to provide them with other adequate instructional procedures. This set the stage for English as Second Language (ESL) programs, among which is California's well-established LEP program.

California's LEP program is characterized by special classes, distinct from regular classroom instruction. Hence, since students with limited English skills are considered to be the closest available approximation to the total immigrant student population, and since such students are relatively easy to identify in distinct and separate classroom environments, this study uses LEP students as its working population from which an estimate of undocumented immigrant students is made. Table 5.1 provides a summary of LEP students by major language groups in San Diego County.

It was intended at the outset of this study that a random sample of LEP students be taken, stratified by size of school district and population of LEP students. The sample list of students would be provided to the relevant school principals who would be asked to ascertain whether or not that student was documented. This determination would be made by personal interview with the student (where age appropriate) and/or the students' parents or guardians. Furthermore, teachers of the sample LEP students' classes would be interviewed for their opinion as to resident status, because it is frequently the teacher who is most

⁵Lau v. Nichols (414 U.S. Reports 563 [1974]).

⁶*Ibid.*

Table 5.1

Limited English Proficient (LEP) Students
by Major Language Groups
in San Diego County
(Spring 1991)

Language Group	#	%
Spanish	50,170	79.5
Vietnamese	3,027	4.8
Cantonese	341	0.5
Korean	342	0.5
Pilipino/Tagalog	2,238	3.6
Portuguese	63	0.1
Mandarin	120	0.2
Japanese	465	0.7
Cambodian	1,209	1.9
Lao	1,732	2.8
Other	3,381	5.4
Total	63,088	100.0%

familiar with the students' family and background. The San Diego Unified School District was reluctant to permit such interviews and was also opposed to taking an active supportive role in this study. Without the cooperation of the San Diego Unified School District, which comprises 31.0% of the total public student body in San Diego County and 39.7% of LEP students in the county (see Table 5.2), this study methodology would not be statistically representative.

In the alternative, however, San Diego Unified and various other districts consented to allow informal interviews with relevant administrators in order to estimate the proportion of LEP students in these districts who are undocumented immigrants. Rea & Parker, Incorporated interviewed various officials in 40 of the County's 43 school districts (3 districts did not choose to participate) in pursuit of this information.

Table 5.2

**Estimate of Undocumented Immigrant Students Enrolled
in San Diego County School Districts**

School District	Total Enrollment (Fall 1990)	LEP Students Spring, 1991	Percent Undocumented		Number Undocumented	
			Low	High	Low	High
San Diego Unified	121,152	25,035	10	15	2,504	3,755
Sweetwater Union High	27,894	4,629	30	30	1,389	1,389
Poway City Unified	24,662	762	7	7	50	50
Grossmont Union High	18,647	824	10	10	82	82
Vista Unified	18,489	2,972	50	50	1,486	1,486
Chula Vista Elementary	17,604	5,342	25	30	1,336	1,603
Cajon Valley Union Elementary	17,328	1,182	3	5	35	59
Oceanside City Unified	17,034	1,741	26	26	450	450
Escondido Union Elementary	14,663	2,597	23	27	600	700
La Mesa/Spring Valley Elementary	13,429	1,051	10	10	105	105
South Bay Union Elementary	9,273	2,577	5	10	129	258
San Marcos Unified	9,108	1,809	25	25	452	452
Santee Elementary	7,819	178	20	20	36	36
San Dieguito Union High	6,929	413	25	25	103	103
Carlsbad City Unified	6,524	846	9	9	75	75
National Elementary	6,146	2,785	24	25	680	700
Ramona City Unified	6,035	351	70	70	246	246
Escondido Union High	6,035	556	30	30	167	167
Fallbrook Union Elementary ^w	5,773	1,006	17	21	171	211
Encinitas Union Elementary	5,022	602	33	33	199	199
Lakeside Union Elementary	4,735	129	5	10	6	13
Lemon Grove Elementary	3,969	376	2	6	8	23
San Ysidro Elementary	3,837	3,394	3	3	102	102
Valley Center Union Elementary	2,324	458	10	10	46	46
Fallbrook Union High	2,223	165	73	91	120	150
Coronado Unified	2,176	58	5	9	3	5
Mountain Empire Unified	1,958	220	15	33	33	73
Alpine Union Elementary	1,729	46	6	6	3	3
Solana Beach Elementary	1,689	145	15	15	22	22
Bonsall Union Elementary	1,228	316	50	92	158	291
Jamul Las Flores Union Elementary	1,084	83	50	60	42	50
Del Mar Elementary	964	22	0	0	0	0
Cardiff Elementary	875	64	7	7	4	4
Rancho Santa Fe Elementary	533	7	100	100	7	7
Julian Union Elementary	515	20	30	50	6	10
Borrego Springs Elementary	358	75	10	20	8	15
Pauma Elementary ^w	354	117	17	21	20	25
Warner Union Elementary	241	1	0	0	0	0
San Pasqual Union Elementary	228	46	54	54	25	25
Julian Union High ^w	224	3	17	21	1	1
Vallecitos Elementary	199	81	0	0	0	0
Dehesa Elementary	122	0	0	0	0	0
Spencer Valley Elementary	25	4	100	100	4	4
Total	391,156	63,088			10,913	12,995

^wPauma Elementary, Fallbrook Union Elementary, and Julian Union High school districts did not provide estimates; therefore, the overall high and low percentages for the 40 responding districts (21% and 17%, respectively) were applied to the three non-responding districts.

Findings

Public Schools--Grades K-12

Table 5.2 constitutes a summary of the results of the interviews conducted. The table presents estimates of the proportion and the number of LEP students who are undocumented in each of the 40 districts which consented to interviews as well as estimates for the 3 not interviewed based upon the information derived from the other 40. The final column in Table 5.2 is derived by applying the percentage estimates from the interviews to the total number of LEP students. In a few cases, actual numbers of undocumented immigrant students were known by interviewees rather than proportions, in which cases the proportions became the deduced finding. The total estimated number of undocumented immigrant students in grades K-12 in San Diego County public schools is 10,913-12,995, which represents 2.8%-3.3% of the total County student population and 17.3%-20.6% of LEP students.

It is interesting to note that the San Ysidro Elementary School District, a district which is 88.5% LEP and adjoins the international border,⁷ has only a 3% undocumented immigrant student population. San Ysidro has a well-established practice of ensuring that their students reside within their school district. Parents and guardians are asked to verify residency by means of telephone bills, water and utility bills, and/or rental receipts. When it is suspected that such information is untrue, school district officials actually follow the parents to their homes after registration. If, in fact, the information supplied is inaccurate, the student is disenrolled.

⁷One of the most significant means by which students might cross this border in order to attend school is through the use of "border crossing cards." Such cards are intended for day trips into the United States for purposes of shopping or visiting relatives, for instance. However, these cards have been used for daily school attendance. The United States Immigration and Naturalization Service has instituted a policy of seeking to identify these daily crossing card users and to force them to obtain student visas and furnish evidence of tuition payments to the public schools. This policy first was enforced in January, 1992 and the results are not yet conclusive.

Figure 5.1 portrays the total cost of educating San Diego County's undocumented immigrant K-12 students. San Diego County estimates the annual basic cost per student in public schools to be \$4,328. The federal government contributes \$211 of this cost, leaving \$4,117 to be borne by State and local governments.⁸ It can be estimated, therefore, that the annual cost to State and local governments of the basic education of these undocumented students is between \$44,928,821 and \$53,500,415, or an average of \$49,214,618.

Figure 5.1

Estimated Annual Cost of Basic Education
of Undocumented Immigrant Students
in San Diego County
(Kindergarten-Grade 12)

	<u>Low Estimate</u>	<u>High Estimate</u>
Total Number of Undocumented Students	10,913	12,995
Multiplied by State and Local Annual Cost of Basic Education per Student	<u>x \$4,117</u>	<u>x \$4,117</u>
Total Annual Cost of Basic Education of Undocumented Immigrant Students	<u>\$44,928,821</u>	<u>\$53,500,415</u>

Categorical Grants

In addition to the funding provided to school districts for basic education, there are other expenses associated with the provision of public education in grades K-12. These expenses take the form of categorical grants

⁸Owen Sweeney, Director of Financial Services, San Diego County Office of Education.

from the State and federal governments to the local school districts through the San Diego County Office of Education. Categorical grants include money designated for such general educational functions as special education, gifted and talented programs, drug education, adult education, reading and math development, instructional materials, and pupil transportation. These grants also include programs designed specifically for Limited English Proficiency students.

General Education Grants: Among categorical grants for general education, most apply to all students, including undocumented immigrants. A few grants, however, are so specific as to be easy to identify as not applicable to that population (e.g., American Indian Education). A review of the records at the San Diego County Office of Education revealed that San Diego County school districts received at least \$262,690,710 in applicable categorical grants from the State of California for general education during fiscal year 1990-91. With undocumented immigrant students constituting 2.8%-3.3% of the total K-12 student population, \$7,355,340-\$8,668,793 of these grants can be allocated to the cost of providing these educational services to undocumented immigrants, or an average of \$8,012,067.

Limited English Proficiency Grants: Grants are also made to school districts in order to fund Limited English Proficiency (LEP) programs and Bi-lingual Staff Development. LEP programs are funded through Economic Impact Assistance categorical grants which are allocable by individual school districts either in the form of Limited English Proficiency program funding or State Compensatory Education funding for disadvantaged students.⁹ The total amount of these State funds which flow to San Diego County school districts is \$16,450,243. This sum equates to \$261 per LEP student ($\$16,450,243 \div 63,088$ San Diego County LEP

⁹Leroy Hamm, Bi-lingual Education Consultant, Information Management and Bi-lingual Compliance Section, California State Department of Education.

students), out of which \$235 is allocable to the LEP programs, or \$14,825,680.¹⁰

Not all Limited English Proficient students are in LEP programs for a variety of reasons, including a lack of skilled instructors. The percentage of LEP students in such programs in San Diego County is 74.5%,¹¹ resulting in an effective cost of \$315 per student actually enrolled in an LEP program. It can be assumed that 74.5% of undocumented immigrant students avail themselves of the program in the same proportion as all eligible LEP students. Hence, 8,130-9,681 (average = 8,906) undocumented immigrant students are considered to be enrolled in LEP programs (74.5% x the number of undocumented immigrant students--10,913-12,995). Therefore, an additional \$2,805,390 (\$315 x 8,906 students) can be attributed to undocumented immigrant students as their portion of LEP program costs.

San Diego State University and
California State University
--San Marcos

As indicated above, the California State University System must continue to subsidize undocumented immigrant students at the resident fee level. Residents pay \$1,308 per year to attend San Diego State University and California State University-San Marcos. Non-residents pay \$8,688 per year.

San Diego State University estimates that there are 80-90 undocumented immigrant students currently enrolled per

¹⁰According to Arturo Vasquez, Bi-lingual Education Office, California State Department of Education, \$232 per LEP student is allocable to LEP programs. Bi-lingual Staff Development Programs account for an additional \$178,357--or \$3 per LEP student. The non-LEP Economic Impact Assistance balance of \$1,624,563 has been accounted for in the previous section (General Education Categorical Grants).

¹¹California State Department of Education, Bi-lingual Education Office, "LEP Enrollment in Instructional Programs, Spring, 1991."

year.¹² California State University-San Marcos indicates one such student to be currently enrolled.¹³ Each of these students, therefore, is receiving a \$7,380 subsidy (the difference between resident and non-resident fees), for a total of \$634,680 per year (assuming an annual average of 85 San Diego State University undocumented immigrant students).

Summary

The cost of providing public education to undocumented immigrants in San Diego County is the sum of the costs of basic K-12 education (Figure 5.1), Limited English Proficiency programs involving undocumented immigrants, general education categorical grants applicable to undocumented immigrants, and the higher education subsidy of undocumented immigrants enrolled at San Diego State University and California State University-San Marcos. The total cost of public education for undocumented immigrants is estimated to be \$60,666,755, as summarized in Table 5.3.

¹²Jack Brewer, Residency Clerk, San Diego State University.

¹³Kathleen Fanella, Assistant Director, Admissions and Records, California State University-San Marcos.

Table 5.3

Annual Cost of Providing Education to
Undocumented Immigrants in
San Diego County

Category	Cost
Basic Education (Grades: Kindergarten-12)	\$49,214,618
Categorical Grants	
General Education	8,012,067
Limited English Proficiency	2,805,390
San Diego State University/ California State University- San Marcos	<u>634,680</u>
	<u>\$60,666,755</u>

CHAPTER 6

THE COST OF PROVIDING SOCIAL SERVICES FOR UNDOCUMENTED IMMIGRANTS

Undocumented immigrants utilize publicly provided social services to a very limited extent. Unlike education and public health, where there are laws and/or other compelling public reasons for the provision of services to undocumented immigrants, social services have typically been reserved for legal residents. There are two programs, however, which provide the majority of social services to undocumented immigrants. They are State funded Aid to Families with Dependent Children (AFDC) and San Diego County's Foster Care program operated through the County Children's Services Bureau. This chapter identifies the annual cost of providing these services to undocumented immigrants.

Aid to Families with Dependent Children

Those receiving AFDC must be legal residents of the United States. Immigration Reform and Control Act (IRCA) residents have not yet attained AFDC eligibility status, but will within the year. However, undocumented immigrants and IRCA residents with a child born in the United States can receive AFDC funding because of the child's eligibility. AFDC is comprised of two components--the single parent or guardian program (Family Group--AFDC-FG) and the unemployed two parent household (Unemployed--AFDC-U). Technically, it is the child, a United States citizen, who qualifies for the program, but the child's family actually receives the payment and is supported, at least in part, by these funds.

It is thought by some that certain undocumented immigrants gain entry into the United States for the express purpose of giving birth to a child on United States soil, funded by Medi-Cal's restricted benefit program, and then further gain eligibility for AFDC because of that child's United States birthplace. Throughout this study,

great care has been taken to restrict the allocation of public costs to the provision of services specifically to undocumented immigrants. The case of AFDC, however, is not quite so clear. Technically, the United States citizen child is the recipient of funds, but the de facto recipients may be undocumented immigrant parents or family members in guardianship of the child. This issue is of such substantial concern and controversy that it merits consideration within this study.

Methodology

The State of California has developed a methodology for determining the number of cases statewide which can be categorized as being citizen children of undocumented parents. This methodology is as follows:¹

- AFDC-FG
 - Deduct from the total FG caseload, the number of adults covered in the FG category. The underlying assumption by the State is that there is one adult per household. The remainder, therefore, represents the number of households where the only eligible member is a child.
 - Deduct from the remainder ("Child Only" households) those cases in which the child resides with a U.S. citizen who is not the child's parent and is not eligible for AFDC for reasons other than immigration status (e.g., a grandparent with income sufficient to not qualify for AFDC but no legal responsibility for the child's welfare). The State has estimated that 10% of all FG cases can be so categorized. The result of this adjustment is the number of cases in which there is a child as the only household member who is eligible for AFDC and whose parents are not eligible because of their immigration status ("Citizen Child Only").
 - Allocate these Citizen Child Only cases between undocumented parents and IRCA

¹Greg Jones, California State Department of Social Services.

parents according to a State survey performed from December, 1990 to September, 1991 which found 58.9% of such cases to be undocumented immigrant families.

- AFDC-U

- Deduct from the total U caseload, the number of adults covered in the U category divided by 2. The underlying assumption is that in the U category, there are 2 adults per household. The remainder, therefore, as with FG cases, is the number of households where the only eligible member is a child.
- Deduct from the remainder ("Child Only" households) those cases in which the child resides with U.S. citizens not otherwise eligible for AFDC. The State has estimated these to be relatively few in number (5% of the Child Only cases).
- Allocate these "Citizen Child Only" cases between undocumented immigrant families and IRCA families. The December, 1990 - September, 1991 survey revealed that 52.9% of these families were undocumented.

The State's methodology can also be applied to County data. In Los Angeles County and Orange County, studies were performed of their respective caseloads in order to identify undocumented immigrant family recipients of AFDC. These studies resulted in estimates very close to those which would have been obtained by applying the State's methodology to County data.² By applying the State's methodology to San Diego County data, estimates of the AFDC-FG and AFDC-U caseloads for citizen children of undocumented parents can be obtained.

Findings

Figure 6.1 shows that San Diego County can be estimated to have 3,241 AFDC-FG and 722 AFDC-U undocumented immigrant cases. These cases represent 4.1% and 4.0% of

²Rick Mekata and Greg Jones, California State Department of Social Services.

total Statewide undocumented cases, respectively. The State of California provided the average monthly cost per case (\$468 for FG cases and \$596 for U cases), and these costs, multiplied by the number of undocumented immigrant cases, results in the total expenditure of \$18,201,456 for AFDC-FG undocumented immigrant cases and an AFDC-U undocumented immigrant case cost of \$5,163,744 (Figure 6.2). Adding these two costs together yields \$23,365,200, of which 47.5% is State of California expense and 2.5% is San Diego County expense-- the balance of 50% is federal money. Total State and County expenditures on behalf of Citizen Children Only undocumented immigrant AFDC cases is \$11,682,600.

Foster Care

The Children's Services Bureau in the San Diego County Department of Social Services is responsible for providing social services to children. These services involve placement in foster homes as well as psychological counseling and follow-up. The Juvenile Court orders some children into placement out of their home. The San Diego County Children's Services Bureau estimates that an average of 104 undocumented immigrant children were provided out-of-home placements each month during the year 1991.³ Among the 104 children, 68 were the sole financial responsibility of the County of San Diego. Their cost was \$1,362 per month--or \$1,111,392 per year. The other 36 children received State Medi-Cal money in the amount of \$927 per month and County money of \$435, also totalling \$1,362 per month. As with other Medi-Cal programs, 50% is covered by the federal portion of Medi-Cal (\$463).⁴ These 36 children, therefore, cost State and local governments \$899 per month--or \$388,368. The total out of home foster care expense applicable to State and San Diego County governments is \$1,499,760 (\$1,111,392 + \$388,368).

³Estimate provided by Edward Cadena, Children's Specialist, San Diego County Children's Services Bureau based upon data from September, 1991.

⁴This Medi-Cal program differs from those discussed in Chapter 4 and has, therefore, not been accounted for previously in this study.

Figure 6.1

Estimated Number of Undocumented Immigrant AFDC Cases

Estimated Number of Undocumented Immigrant Cases

AFDC-FG - San Diego County:

Total monthly San Diego County FG cases	50,723	
less Adults covered in monthly FG cases	<40,148>	
Child Only monthly FG cases	10,575	
less Child Only with U.S. citizen adult not eligible (Total cases x 10%)	<5,072>	
Citizen Child Only monthly FG cases	5,503	
Multiply by undocumented family proportion	x 58.9%	
Citizen Child Only - undocumented immigrant parents - monthly FG cases		<u>3,241</u>

AFDC-U - San Diego County:

Total monthly San Diego County U cases	7,592	
less Adults covered in monthly U cases (total adults divided by 2)	<6,155>	
Child Only monthly U cases	1,437	
less Child Only with U.S. citizen adults not eligible (Child Only U cases x 5%)	<72>	
Citizen Child Only monthly U cases	1,365	
Multiply by undocumented family proportion	x 52.9%	
Citizen Child Only - undocumented immigrant parents - monthly U cases		<u>722</u>

Figure 6.2

Estimated Annual Cost of Undocumented Immigrant AFDC Cases

Undocumented Immigrant Cost Estimate

AFDC-FG: - San Diego County

Monthly Citizen Child Only - FG cases (Figure 6.1)	3,241	
Multiply by average monthly cost per case	x \$468	
		\$ 1,516,788
Multiply by 12 months	x 12	
Total Annual San Diego County undocumented immigrant AFDC - FG case cost		\$18,201,456

AFDC-U: - San Diego County

Monthly Citizen Child Only - U cases (Figure 6.1)	722	
Multiply by average monthly cost per case	x \$ 596	
		\$ 430,312
Multiply by 12 months	x 12	
Total Annual San Diego County undocumented immigrant AFDC-U case cost		<u>5,163,744</u>
Total Annual San Diego County undocumented immigrant AFDC cost (FG + U)		<u>\$23,365,200</u>

Cost Allocation by Jurisdiction

San Diego County (2.5%)	\$ 584,130
State of California (47.5%)	11,098,470
United States government (50.0%)	11,682,600
	<u>\$23,365,200</u>

Sometimes, the Juvenile Court orders the provision of social service case workers to children who remain in their own home. Approximately 298 undocumented immigrant children received such services in 1991 at a monthly cost of \$176 per child. The annual cost is, therefore, \$629,376 (298 x \$176/month x 12 months) of which only 30% is County funded, the balance being funded by the federal government. Thus, the annual County cost of services in-home is \$188,813 ($\$629,376 \times 30\%$).

The total annual estimated County and State cost of providing in-home social services and out-of-home placement for undocumented immigrant children, therefore, is \$1,688,573 (\$1,499,760 outside of home + \$188,813 in home).

Summary

The total cost to the State and San Diego County for the two social service programs discussed in this chapter--Aid to Families with Dependent Children (AFDC) and Foster Care --to undocumented immigrants is \$13,371,173. Of this sum, \$11,682,600 is allocable to the AFDC program, with the remaining \$1,688,573 for Foster Care programs.

The AFDC program is intended to support United States citizen children. The fact that these citizen children may reside in undocumented immigrant families is somewhat of an anomaly in that the technical recipient of the public funds is a citizen, but the effective recipients may be undocumented immigrants. There is enough ambiguity and controversy associated with this issue that it cannot be ignored.

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